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CLASSICAL TRADITION

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BUSINESS MANAGERS
IN ANCIENT ROME


BY

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PREFACE

In his magisterial survey of Roman imperial economy and society, M. Rostovtzeff deplored the lack of an "adequate recent treatment by a specialist of the important subject of the development of ancient commercial law" (p. 625, n. 54). In the three decades that followed the second edition of the Social and Economic History of the Roman Empire (Oxford 1957), scores of legal historians have worked toward filling this lacuna and significant progress has been made on various aspects of the Roman law of obligations, in particular on the role of slaves in business activities. Among the most recent, far-reaching studies, one can cite the works of A. Claus, Gewillkürte Stellvertretung im römischen Privatrecht (Berlin 1973), A. Buti, Studi sulla capacità patrimoniale dei servi (Camerino 1976), A. di Porto, Impresa collettiva e schiavo ‘manager’ in Roma antica (II sec. a.C. - II sec. d.C.) (Milan 1984), A. Kirschenbaum, Sons, Slaves and Freedmen in Roman Commerce (Jerusalem/Washington, D.C. 1987), a slightly revised version of a 1969 Columbia University dissertation, and, most recently, T.J. Chiusi, "Landwirtschaftliche Tätigkeit und actio institoria," ZRG 108 (1991) 155-86. The last mentioned author made a breakthrough in explaining the connection between the legal system and the economic activity behind it.

Valuable though these studies are, they all fall short of fulfilling Rostovtzeff’s wish to see a survey that would take account of “the vast amount of information which has been furnished by inscriptions and papyri as well as by some archaeological material (viz. the inscriptions on the so-called ‘instrumentum domesticum,’ which should be studied in connection with the ‘instrumentum’ itself)” (ibid.). Admittedly, the challenge put forth by Rostovtzeff was formidable and could not be accepted as such without completing first some thorough groundwork in each of the fields which would have to contribute to the type of synthesis that Rostovtzeff had in mind.

While jurists have been ploughing through the legal material, archaeologists and social and economic historians have been producing new material and interpretations of the Roman economy, taking the legal material into consideration, but without trying to reevaluate the legal system within which this economy functioned. J. Rousset showed the path in his thorough study of seaborne trade (Recherches

All the scholars mentioned above have recognized the importance of slaves and freedmen employed as agents in the production and distribution of goods, but none of them have tried to collect the ancient evidence about them. J.H. D’Arms, in particular, called for a special study on insitiores as business managers performing wide ranging transactions (op. cit. 143). The purpose of the present study is to sketch the social and economic history of an important chapter of the Roman law of obligations, the law governing indirect agency.

After surveying the references to insitiores in legal, literary, and epigraphical sources, I attempted to trace the activities of business managers in various areas of the Roman economy. As I came to realize the extent of the task ahead of me, I decided to restrict the geographical area to Italy and its most immediate vicinity, and to proceed with case studies. One consequence of this choice was that I had to leave out—with some exceptions—the papyrological evidence, even though it might have provided valuable information on several points which I had to omit due to the lack of evidence from the area under investigation (for instance, the problem of accounting). The available material lead me to conclude that the core of the system of management featuring managers was developed in a rural setting, in connection with the villa economy, and therefore, I devoted a large place to the role of farm managers (villici and actores).

From there I focused on some industrial activities carried out in both rural and urban conditions, namely the clay industry: this choice was of course influenced by the availability of stamped archaeological material. Finally, I examined the role of villici and their likes as head of managerial units employing more or less numerous staffs (familiae) in various areas of private, public, and imperial administration.

Everyone has something to say about the Roman economy, and many have put it in print. It was therefore impossible to survey all the secondary literature on any of the subjects discussed in this study. I have tried to use mainly what has been published between 1970 and 1992, and even then I make no claim to comprehensiveness. In order to keep this study within reasonable length I refrained from reviewing the opinions previously expressed by others. My main concern was to collect and discuss the primary evidence (literary, legal, epigraphical, archaeological, and numismatic) that illustrates the activities of business managers in the Roman economy from the beginning of the second century B.C. until the middle of the third century A.D. Where the relevant ancient evidence was too inconclusive I tried, with due caution, to bring into the discussion later documents originating in the same area, as well as comparative material from Graeco-Roman Egypt, medieval Europe, antebellum America, and contemporary Switzerland.

Because of the circumstantial character of the evidence under examination, it is necessary to keep in mind that many of the conclusions drawn from this evidence reflect possibilities, plausibilities, and probabilities rather than certainties. Emphasizing this aspect of my study would have called for repetitive words of caution, which I kept to a minimum in order to spare the reader’s patience.

This book is a revised and expanded version of my doctoral dissertation (Business Managers in Ancient Rome, 200 B.C. - A.D. 250 [Columbia 1991]), which had been awarded a Special Prize from the University of Nice (II Premio romanistico internazionale Gérard Boulot, Naples, 12 June 1993). I am grateful to my mentor, Prof. William V. Harris, for his continuous support since I started graduate school at Columbia University in 1984. The wide scope of his interests and his open-mindedness changed my way of thinking about ancient history and academe in general.

I also owe much to my other teachers at Columbia, Dean Roger
Bagnall, Profs. Richard Billows, Alan Cameron (all three as members of my doctoral committee), Lesley Ann Dean-Jones, Alfred Frazer, Peter Knox, William Metcalf, Daniel Selden, and the late Morton Smith and Nancy Waggoner for the training they gave me in ancient history and all kinds of ancillary disciplines.

Drs. Jesper Carlsen and Pasquale Rosafio read the whole book twice and generously shared with me the yet-unpublished results of their own research on the subject.

Profs. Ernst Badian, John Bodel, Dennis Kehoe, Elio Lo Cascio, James Rives (who was also on my doctoral committee), Margareta Steinby, and Susan Treggiari kindly read and criticized earlier drafts of this work.

I am indebted for information to Profs. Thomas Bisson, Emma Dench, Clayton Fant, George Frederic Franko, Regula Frei-Stolba, John Lenz, Myles McDonnell, Dirk Obbink, Giuseppe Pucci, Jonathan Roth, Glen Thompson, Andreas Wacke, Drs. Jairus Banaji, Peter Dorcey, Elizabeth Fentress, Seamus Ross, Katherine Welch, Messrs. Alexander Hahn, William Kraus, and Constantin Marinescu. I also owe many corrections to two anonymous referees (CSCT and SNSF).

My wife Cheryl not only tolerated my idiosyncratic pursuit, but also read the whole book with the eyes and mind of a lay person in ancient history, criticized my style, and corrected my English. She is, of course, responsible for all remaining shortcomings in form and content.

Deans Pierre Bühler and Denis Knoepfler, and Profs. André Schneider and Daniel Paunier were very helpful in securing funding for the publication of this book.

To all the people mentioned above I would like to express my gratefulness.

While I was writing this book I enjoyed the hospitality of the Classics Departments at Harvard and Stanford Universities (as an Exchange Scholar in 1989-1990), of the History Department at Columbia University (as a Visiting Scholar in 1991), of the American Numismatic Society, and of the Istituto Svizzero di Roma (as a Member in 1991-1992). While in Rome I was given access to the libraries of the Istituto di Diritto Romano (Università La Sapienza), the Ecole Française, the Deutsches Archäologisches Institut, the British School, and the American Academy. I also had the unique opportunity to participate in a year-long seminar on estate management at the Danish Academy.

Generous financial support from the Department of History at Columbia University (1984-1990), the Swiss Academy of Humanities (1988-1989), and the Swiss National Science Foundation (1989-1992) enabled me to devote the totality of my time to historical research and spared me the economic hardship experienced by most graduate and post-doctoral students.

Lausanne, 31 December 1992

J.-J. A.
ABBREVIATIONS

In matters of style, the names and works of ancient authors are abbreviated as in the Oxford Classical Dictionary (Oxford 1970), and periodicals as in L'année philologique; sources of inscriptions are expounded in F. Béard et al., Guide de l'épigraphiste (Paris 1989), and references to occasional papyri are abbreviated as in J. F. Oates et al., Checklist of Editions of Greek Papyri and Ostraca (BASP Suppl. 7, Atlanta, GA 1992); Greek and Latin texts are quoted from the Loeb Classical Library, Oxford Classical Texts, Teubner or Budé editions, unless otherwise noted; translations are mine; the secondary literature is cited with full title and reference the first time it is used in each chapter and thereafter abbreviated by author's name, (periodical, issue number), and date of publication; the most important items are listed in the bibliography.

Other abbreviations of primary sources:

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>AE</td>
<td>L'année épigraphique</td>
</tr>
<tr>
<td>BMC</td>
<td>British Museum Catalogue</td>
</tr>
<tr>
<td>CIL</td>
<td>Corpus Inscriptionum Latinarum</td>
</tr>
<tr>
<td>CIG</td>
<td>Corpus Inscriptionum Graecarum</td>
</tr>
<tr>
<td>Cod. Iust.</td>
<td>Codex Iustiniusus</td>
</tr>
<tr>
<td>Cod. Theod.</td>
<td>Codex Theodosianus</td>
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<tr>
<td>CVA Ar</td>
<td>Corpus Vosorum Arretinorum, ed. A. Oxé - H. Comfort</td>
</tr>
<tr>
<td>Dig.</td>
<td>Digesta</td>
</tr>
<tr>
<td>EJ</td>
<td>V. Ehrenberg - A. H. M. Jones, Documents Illustrating the Reigns of Augustus and Tiberius</td>
</tr>
<tr>
<td>Eph. Ep.</td>
<td>Ephemeris Epigraphica</td>
</tr>
<tr>
<td>FIRA</td>
<td>Fontes Juris Romani Antiustini, ed. S. Riccobono et al.</td>
</tr>
<tr>
<td>IG</td>
<td>Inscriptiones Graecae</td>
</tr>
<tr>
<td>IGRR</td>
<td>Inscriptiones Graecae ad Res Romanas Pertinentes</td>
</tr>
<tr>
<td>ILLRP</td>
<td>Inscriptiones Latinae Liberae Rei Publicae</td>
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<tr>
<td>ILS</td>
<td>Inscriptiones Latinae Selectae</td>
</tr>
<tr>
<td>Inscr. It.</td>
<td>Inscriptiones Italiae</td>
</tr>
<tr>
<td>LSO</td>
<td>Latres Signati Ostiensis, ed. J. Suolahti, M. Steinby et al.</td>
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Not. Scav. Notizie degli scavi di antichità
OGIS Orientis Graeci Inscriptiones Selectae
PG Patrologia Graeca
PIR Proseopographia Imperii Romani Saeculi I, II, III
PL Patrologia Latina
RIC Roman Imperial Coinage
S H. Bloch, “The Roman Brick-stamps Not Published in Volume XV, 1 of the CIL,” HSPh 56-57 (1947) 1-128
SEG Supplementum Epigraphicum Graecum
SIG Syllagae Inscriptionum Graecarum
TLL Thesaurus Linguae Latinae

Conventional signs

a) in legal texts:

[ ] interpolation
< > restoration


[ ] restoration
() filled-out abbreviation
< > omission
{ } unnecessary letter

Proper names

For the sake of consistency, I intentionally refer to all Roman jurists by their Latin names (Paulus, Ulpianus, Julianus, etc.), while using English names to refer to celebrities, such as the emperors (Julius Caesar, Trajan, Hadrian, Diocletian, Julian, etc.).
CHAPTER ONE

BUSINESS AGENTS AND BUSINESS MANAGERS

A. Introduction

In 191 B.C., a Roman crowd could witness the following transaction: a soldier buys a female slave and makes a down payment to her owner/pimp. Short of cash, he leaves the town without his new acquisition, intending to pay the balance later. When he is able to do so, he sends one of his slaves back to town with the money, with a letter (epistula) expressing his intention, and with a token (symbolum obsignatum) proving his connection with the buyer. In compliance with his master’s order, the slave looks for the seller or his representative (atriensis) in order to deliver the cash in exchange for the slave, thus settling his master’s debt and receiving ownership of the girl in his master’s name.

The story is fictitious and forms the plot of Plautus’s comedy Pseudolus, which follows a late-fourth-century B.C. Greek model. However, a similar situation sounds plausible in a Roman context. The transaction is interesting because both parties are represented by agents who, as slaves, did not have any legal capacity of their own. Harpax, the slave armiger (stratioticus nuntius) who acts in the capacity of the buyer’s agent, is capable of performing a valid legal transaction because he has received some precise instruction (iussum) from his master, which the seller can verify on the basis of the letter and token issued for this very purpose. Besides, the audience is told that Harpax holds a peculium which allows him to carry out transactions on his own, for instance to buy his outfit. Pseudolus, his counterpart, pretends that he is a procurator, in spite of his slave

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1 Plaut., Pseud, passim.
2 Plaut., Pseud. 603.
3 Plaut., Pseud. 647-648.
status, and that he ranks higher than the atrimenti with whom Harpax would like to deal. According to Pseudolus, the role of a procurator is to take care of his master's property and accounts, and to receive and make payments in cash. This may be a lie, since it is unlikely that the same person would be handling cash and keeping the accounts. Interestingly, Harpax refuses to give him the money, questioning both his identity and his legal capacity to accept payments while acknowledging that he would not have the same hesitation in dealing with the atrisium.

Because the atrisium never shows up in the Pseudolus, we have to turn to another play by Plautus to understand what functions the atrisium held in the Roman household of the early second century B.C. In the Asinaria, the atrisium Saurea—who never appears on stage either—is supposed to receive payment from the agent of a merchant of Pella for some Arcadian asses he sold him earlier. In a situation quite similar to that in the Pseudolus, the slave pretending to be Saurea tries to convince the merchant's agent of his identity, and for that purpose lists his daily activities: he has spent the last three days in the forum trying to place a loan with someone, he had some oil shipped away, some wine sold to a vintner, some slaves hired out, and some tableware lent. In the management of his master's property, he is assisted by underlings (vicarii) who belong to his peculium and have the same legal capacity as he has. In Plautus's time, the atrisium gives orders to the staff of an urban household and acts as business manager on behalf of his master in his absence. His role within the familia urbana is similar to that of the vicarius within the familia rustica. In a later period the managerial functions of the atrisium were taken over by other servants (dispensatores, actores, and vicarii). Atrisium were therefore mostly concerned with the supervision of the maintenance staff.

It is clear that by the early second century B.C. slaves were capable of carrying out transactions on behalf of their master and of negotiating binding contracts, but before the creation of the actions adiectiva qualitatis (cf. below), there was no guarantee for third contracting parties that agent or principal would honor the terms of the contract. Another difficulty lies in that slaves were not capable of transferring property through mancipatio. This was especially important for the management of agricultural estates, as land, cattle, and slave manpower, were—or should have been—fairly transient in order to permit landowners to adjust to economic fluctuations. But the problem of transfer of ownership of res mancipi does not seem to have prevented landowners from employing their slaves as agents even for this kind of transaction. In Plautus's Persa, Sagaristio is sent by his master from Athens to Eretria in order to purchase some oxen. In the same play, a few slaves invent a stratagem whereby a free woman posing as a female slave would be sold to a pimp through traditio, following the mailed instruction of the alleged owner requesting that no mancipatio be performed. Some later documentary evidence suggests that slaves could receive, but not transfer, property through mancipatio.

If landowners wanted to transfer their property and were unable to do so in person, they could also rely on free middlemen who would negotiate a contract in their own name, acquire the res mancipi through a regular mancipatio, and transfer it in the same way to a third party. Although this procedure was cumbersome and could be

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3 Plaut., Pseud. 608-610.
4 Plaut., Pseud. 625-628: "Michi herele vero, qui res rationesque eri / Balonis curio, argentum accepto et qui debet dato."
5 Plaut., Pseud. 640-641.
6 Plaut., Asin. 333-336.
7 Plaut., Asin. 428-429.
8 Plaut., Asin. 432-446.
risky for all parties involved, it is certain that free agents, friends, clients, or freedmen, were employed in Plautus's time. However, third contracting parties, such as Harpax in the _Pseudolus_, might be reluctant to make payment to a free agent, as they cannot be sure that the money will be subsequently transferred to the intended party.

The examples discussed above show agents carrying out isolated transactions. Such activities require an intensive involvement on the part of the principal, who gives instructions to his agent on a case by case basis. The agent is only an instrument in the hand of the principal, and his role is rather mechanical. He does not have to take any initiative, nor be creative. Faithful compliance is valued more than dynamism and entrepreneurial or managerial skills. This type of activity will not be examined in the present study.

By contrast, some economic activities were carried out on a permanent basis. In the _Captivi_, Hegion sends his delinquent slaves for punishment to his freedman Cordalus who is said to be in charge of some quarries (lapidicinaliatomia lapidaria). Cordalus might have been a self-employed entrepreneur owning or renting the quarries. He obviously employed slave labor. He might have started his activities before his manumission on the basis of the grant of a peculium. Even though a slave with peculium was legally dependent, his economic activities were practically kept separate from his master's. For that reason, a slave with peculium was not acting as business manager on behalf of a principal, and this type of entrepreneur will not be discussed either in the present study.

It is possible, however, that the quarries were owned by Hegion, and that Cordalus was running the enterprise on Hegion's behalf. Hegion then would have been an entrepreneur (dominus) making major strategic decisions concerning the operation of the quarries. As a result of the appointment of Cordalus as business manager (institor), Hegion did not have to take part in the tactical day-to-day routine of their management. The enterprise and its profit remained his, and therefore he retained a right to supervise, and interfere with, Cordalus's management policy. He could go as far as firing him, or imposing on him a supervisor, a colleague, or an assistant, provided that there was no previous contractual agreement preventing him from doing so. As business manager, Cordalus was not an entrepreneur. His functions consisted in rationally organizing the unit(s) of production, using the capital in an efficient way, controlling and supervising the workers employed in the enterprise, timing and coordinating their activities in order to achieve a definite purpose. He might also have been expected to keep accurate written accounts.

The present study will focus on business managers (institores) and examine their social background and status, their role within the enterprise (negotiatio) as head of a managerial unit, and their relationship with the workers (familia), the entrepreneur (dominus), and outsiders, both suppliers and customers (third contracting parties).

**B. Definition and sources**

1. **Institores in the legal sources**

Direct evidence about institores is scarce. Most of what we have consists of a collection of legal opinions dating from the late Republican period and early Empire. This juristic activity was prompted by the creation of a legal remedy called _actio institoria_, introduced in the late second century B.C. by the praetor in his Edict in order to supplement and correct the shortcomings of the Roman civil law. Consequently, it became possible for third contracting parties to sue the

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20 An adequate modern definition of management is provided by D.A. Wren, _The Evolution of Management Thought_ (New York 1987) 4: “For a broad working definition, let us view management as an activity which performs certain functions in order to obtain the effective acquisition, allocation, and utilization of human efforts and physical resources in order to accomplish some goal.” C.f. also ibid. 10-11, where the author emphasizes the necessary combination of several elements (goal, personnel, tools, timing and coordinating), and 37, for the distinction between entrepreneur and manager, and between strategic and tactical decisions.

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17 Plaut., _Capt._ 735-736.

18 In the parable of the talents (Matt. 25:14-30 and Luke 19:12-27), Jesus tells the story of three servants entrusted with a peculium, who were free to use the money the way they pleased, as long as their master was making a profit out of it.
principal of the agent with whom they had done business. The purpose and modes of application of the actio institoria gave rise to many problems of interpretation, which were discussed, as may be expected, mostly in commentaries on the praetorian and provincial Edicts. To judge from the legal sources, the economic, political, and administrative changes that occurred in the third and fourth centuries A.D. do not seem to have made the actio institoria obsolete: as we will see later on, the law governing indirect agency has been only moderately affected by interpolations, at least in terms of substance (ex. form), even though this point is still a matter of debate. The compilers of the Digest collected whatever material they regarded as relevant for this subject in one title (Dig. 14.3), which provides the basis of our knowledge about institores.

Basic handbooks of Roman law, such as the Institutes of Gaius (4.71) or Justinianus (4.7.2), or the Sentences of Paulus (2.8), devote a few lines to the actio institoria. It shows that this subject was deemed important enough to be studied at an early stage in the education of Roman lawyers during the Imperial period. It is true that these writers are often idiosyncratic, derivative from one another, and problematic, but I can think of no reason for dismissing beforehand their account of this particular institution as mere antiquarianism. One may postulate that the concerns of the jurists reflect the social and economic importance of business managers in Ancient Rome, but it will be necessary to look for confirmation of this fact in other types of evidence. As Roman jurists were trained to extrapolate from particular cases to general principles, it seems appropriate to look through their writings for a definition of institor.

a. occupations and transactions

According to Paulus, an institor is an agent appointed to the head of a shop or whatever place to conduct business. Since "emere" and "vendere", when used in legal texts, could refer to a wider range of transactions than just purchase and sale, the passage does not say whether Paulus had anything specific in mind. Consequently, institores could engage in various activities, such as hiring or renting commodities, facilities, or services, or acting as guarantors. The ground for bringing a legal action against the principal was the transaction (negotium) performed by the agent on behalf of a principal against whom the remedy was given. Paulus stresses that the place (locus) where business had to be conducted had no bearing on the issue: institores could be peddlers calling on the private homes of the upper class. Paulus's opinion is shared by his contemporary, Ulpianus. This unambiguous insistence may reflect either an ongoing controversy regarding this matter, or some more or less recent change. At the time of its creation and for an indefinite period afterward, the actio institoria could have been granted only when the transaction had been performed by an agent in charge of a store, a workshop, or any permanent facility. This condition may have become less imperative at a later, perhaps fairly recent, stage. I will return to this point later on.

Ulpianus, quoting late Republican or Augustan jurists (Servius Sulpicius and Laber), presents a list of occupations in which institores usually engaged. Superintendents of apartment buildings (insulare) and of other types of facilities (aedificio praepositi), food dealers (frumento coemendo praepositi), moneylenders and bankers (pecuniarum fereandae praepositi), farm managers (agris colendis praepositi).

21 The text of the Edict has been reconstructed as follows on the basis of Gaius, Inst. 4.71 and Ulpianus (28 ad ed.) Dig. 14.3.5: "Quod cum institoris gestum erit eius rei nomine, cui praepositus fuerit, in eum, eum praeposuerit, jurisdiction ubi." Cf. FIRA X, no. 65, p. 355 and O. Lens, Das Edictum Perpetuum (Leipzig 1927) 238-70. It is uncertain whether this Edict was introduced by the urban or peregrine praetor.

22 Paulus (s.ing. de var. lect.) Dig. 14.3.18: "Institor est, qui tabernae locove ad emendum vendendumque praepositor quique sine loco ad eundem actum praepositorit."
sita), traders and (public) contractors (mercatorius redemptorius faciendis praepositis), muleteers (muliones), launderers (fullones), tailors (saciniatores), peddlers (circitores) employed by cloth dealers (vestitarii, in-tartari), undertakers and morticians (libitinarii, pollinctores), stablekeepers (stallabarii), bakers (pistores), shopkeepers of all kinds (tabernarii), etc. were performing services that forced them to enter into various types of contracts with their customers. The list is certainly not comprehensive, and the nature of the occupation does not determine the legal status of its holder: in juristic writings managers were labelled institoris only insofar as they acted as someone else’s agents. As we will see later on, this condition is ignored by literary writers.

Paulus and Ulpianus do not agree on every detail: they differ for instance on the case of farm managers. Ulpianus, following Labeo, considers that any farm manager is a kind of institor whose transaction makes his principal liable. 30 By contrast, Paulus explicitly says that no actio institoria would be available to those who negotiate a contract with a vilicus, because the vilicus was appointed for a different purpose. 31 The apparent contradiction between the two authors suggests that the liability of the principal was determined by the scope of the appointment (praeposito), which could vary from one

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30 Ulpianus (28 ad ed.) Dig. 14.3.5.2: "Labeo quoque scriptum, si quis pecunia faeneranda, agris collendis, mercatorius redempturierique faciendis praepositis, in solidum cum teneat." A. di Porto, "Impresa agricola ed attività collegate nell’economia della villa. Alcune tendenze organizzative," Sodalitas. Scritti in onore di A. Guarino VII (Naples 1984) 3235-77, esp. 3247 ff. rightly considers the possibility that the three terms are complementary—and not exclusive—of each other. There is no doubt that farm managers were often involved in moneylending, trading, and contracting, but they were not the only ones to do so.

51 Paulus (29 ad ed.) Dig. 14.3.16: "Si cum vilico alius cuus contractum sit, non datur in dominum actio, quia vilicus propter fructus piercipientios, non propter quae quae praeposuit. Si tamem vilicum distrabendis quoque mercibus praepositi habeuro, non erit iniquum exemplo institoriae actionem in me competere." The last part ("si tamem... compete") has been considered interpolated, especially because of the expression "exemplum institoriae actionem," cf. S. Solazzi, "L’età dell’actio servitoria," Riv. dir. navig. 7 (1941) 185-212 (in: Scritti di diritto romano IV (Naples 1963) 243-64, esp. 254-55). The substance of Dig. 14.3.16 is consistent with a text by the same author recorded in the Sententiae (2.8.2): "Si quis pecuniae fenerandae agrocolando, condendis vendendisque frugibus praeposuit est, ex eo nomine quod cum illo contractum est in solidum fundi dominus obligatur: nec interest servus an liber sit." A possible reformation of the incriminated passage in Dig. 14.3.16, proposed by Solazzi (254), could read "[exemplum] institoria[e]<m> actionem in me [competere] <dari>". Cf. also A. di Porto, Sodalitas VII (1984) 3237-39 (esp. n. 12) and 3251 ff.

b. praeposito

By appointing an institor to the head of an enterprise, the principal was expressing his willingness (voluntas) to have his business run by an agent, and consequently to incur full liability for the legal transactions negotiated by him with third contracting parties, as long as these transactions pertained to the operation of the business. 32 The business managers’ sphere of competence was strictly defined by the scope of their appointment (praeposito). Therefore, praeposito never enjoyed the same unlimited power of administration as procuratores or servi cum pecuio. The appointment determined the extent and limits of the liability of the principal, but it had no bearing on the nature of the legal relationship between principal and agent. When the agent was a dependent—slave, descendant, or wife—of the principal, the relationship was non-contractual and was based on the power (potestas or manus) that the principal had over his dependent. When the agent was a free man, the relationship was defined by the rules pertaining to the contracts of mandate or hire (locatio conductio). If the agent was a slave and belonged to someone else (ser-
Among the Greek papyri from Roman Egypt there is a category of documents that can be described as written agreements (οὐμολογίας), whereby a principal gives his authorization (σύστασις) to an agent to carry out certain transactions on his behalf, on a general basis or on a single occasion, with or without restriction pertaining to the nature of the transactions. A copy of the document (ἀντιγραφή) was filed with the agoranomoi and deposited into one section of the city archive called the μημομείον. The purpose of such documents was (1) to define the scope of the agency in the event of a dispute arising between principal and agent; and (2) to advertise the agency to potential third contracting parties.

If such a charter was missing, the principal’s liability was established by long-time practices. Consequently, if a principal wanted the scope of the appointment to differ from what was generally accepted in the context of a given trade, he had to make it known in

ad hoc, ut vectoribus locet, non ut mercibus navem praestet, vel contra, modo egressum non obligat exercitorem: sed et si ut certis mercibus eam locum, praepositus est, puta tegumini, cæsare, ille manet a navibus vel alta materia locavint, dicendum non cremit. Quaedam enim naves onerariae, quaedam (ut ipsi dicunt) essevel non sunt: et plerosque mandare scio, ne vectores recipiant, et sic, ut certa regio et certa narrum negotium, ut ece sunt naves, quae Brundisium a Cassiopre vel a Dyrrachio vectores tracient ad onera inhâmbes, item quaedam fluidi capaces ad mare non sufficent. Vectores exigere implies a series of transactions with several contractors, while locatio refers to a contract negotiated with a third party for the transport of goods supplied by this party, cf. J. Rougé, Recherches sur l’organisation du commerce maritime en Méditerranée sous l’Empire romain (Paris 1966) 390.

A similar practice may have existed in Italy, as Frontinus reports (Ag. 96.1) that public contractors (receptores) had to register “in tabulis publicis” the names of the slaves (epifices) they employed in the maintenance of water conduits.

G. Hamza, “Einige Fragen der Zulässigkeit der direkten Stellvertretung in den Papyri.” AUB 19 (1977) 57-67, citing P. Oxy. II 261 (A.D. 55); P. Oxy. I 194 (A.D. 83); P. Oxy. II 301 (with PSI IX 1035, A.D. 179); and BGU I 300 (with P. Mert. I 18, A.D. 161). In P. Oxy. I 94, the principal (M. Antonius Polemaios) appoints an agent (Dionysios) to sell two slaves, and is said to συνετελεσάνει αὐτὸν οὖ... τὸς κροσσεωτέρους τὰς ἀγορασμένας. The document is a contract in which Dionysios promises to pay the proceeds of the sale to the principal, but at the same time the document establishes the latter’s ownership of the slaves for potential buyers.


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34 F. Serra, Enciclopedia del diritto 21 (Milan 1971) 827-34, s.v. institor, esp. 829-30, stresses the necessity to publicize the scope and purpose of the appointment of an institor, in contrast with the appointment of a procurator, which requires no publicity.

35 Ulpius (28 ad ed.) Dig. 14.1.12: “Igitur praepositi certem legem dat contrahentibus. Quare si eum praeposit navi ad hoc solum, ut vectus plagam, non ut locet (quod forte ipse locaverat), non tenebitur exercitio, si magister locaverit: vel si ad locandum tantum, non ad exigendum, idem erit dicendum: aut si
an unambiguous manner, through iussum or proscriptio. This could be done, for instance, by posting a sign in a visible place, written with clear letters in the language spoken in the area, i.e. in Latin or in Greek, in order to avoid misunderstandings. Other languages were probably not excluded, but the possibility of having business transactions enforceable in Roman law conducted in non-Romanized or non-Hellenized environments seems fairly remote. Still, it is remarkable that Ulpianus addresses the problem of using non-classical languages in making trusts (fidicommisse). It is possible that the requirement of writing a document specifying the limits of the appointment (condicio praepositis) became a common practice when businessmen began to rely on employees whom they had to establish in distant places—for instance as guards (custodes) of warehouses—but whom they did not want to entrust with the conduct of legal transactions.

So far as I know, no actual lex praepositis, no iussum, and no proscriptio have been preserved. The reason for this is, needless to say, that they were probably written on perishable material. Cato may be referring to the use of such documents when he recommends that

39 Ulpianus (28 ad ed.) Dig. 14.3.11.2-3: “De quo palam proscriptum fuerit, ne cum eo contrahatur, est praepositi loco non habetur: non enim permettendum est cum ipsi loco contractio, sed si quis multa contrahit, proclamare oterum qui praeposuit tenebitur ipsa praepositione. Proscribere palam sic accipit claris litteris, unde de plano recte legi posset, ante tabernam silic et ante cum locum in quo negotia exercetum, non in loco reposito, sed in evidenti. Litteris utrum Graecis an Latinis? Puto secundum iusti locum, ne quis causas possit ignovantiam litterarum. Certe si quis dicat interesse se litteras vel non observasse quod propositum erat, cum multi integret ciumque palam esse propositum, non audietur.”

40 Ulpianus (2 fidicom.) Dig. 32.1.11 pr.: “Fidicomissam qui exerit ad hostiam, non solum Latina vel Graeca, sed etiam Punicia vel Gallicana vel alienus cuissumque gentis.” Cf. W. V. Harris, Ancient Literacy (Cambridge, MA 1989) 179-80, and n. 21.

41 Paulus (4 ad Plat.) Dig. 15.1.47 pr.: “Quaestio in taberna ista scriptum fuisse ‘cum lanuario servo nec geri negotium veto, hoc solum consequens esse dominum constat, ne insistoria teneatur, non etiam de peculo.’” Cf. alio Ulpianus (28 ad ed.) Dig. 14.3.11.6: “Sed si in totum prohibuit cum eo contrahit, praepositi loco non habetur, cum magis hic custodis sed loco quotum insistoria: ergo nec vendere mercem hic poterit nec medium quid ex taberna.” On the non-exchangeable functions of guards (custodes) and managers (villæ), cf. Cato, Agr. 144-145 and M.E. Sergeant, “Villae,” in I. Biziński-Małowski (ed.), Schiavizzu e produzione nella Roma repubblicana (Rome 1986) 191-207 (= VDI 4 [1956] 45-54), esp. 201-02. The title of the employee is not sufficient in itself to allow us to determine whether or not he was entitled to get involved in legal transactions. For instance, an insularius could be a mere guard (Pomponius [5 add Salab.] Dig. 7.8.16.1) or an appointed superintendent (Ulpianus [28 add ed.], quoting Servius, Dig. 14.3.5.5).

42 Cato, Agr. 2.6: “Si quidem desit in annum, uti paratur; quae superint. ut venant: quae opus sint locato, locuntur: quae opera fieri velit et quae locati velit, ut imperet et ex scripta relinquit.” Cf. Chapters Two and Three.

43 Cf. Chapter Two.

44 Paulus (30 ad ed.), cit. Proculus, Dig. 14.3.17.4.

45 Ulpianus (28 ad ed.) Dig. 14.3.11.4-5.
scope of the slave’s appointment and that, consequently, he should incur no liability. Paulus sided with the principal, and tried to suggest that the transaction of the slave was tantamount to acting as guarantor (fideiusor), but both the prefect and the emperor argued that the scope of the appointment should be regarded as general and that the third contracting party was entitled to an actio insitioria against Titianus Primus. Their decision indicates that the principal was expected to ensure that his agent was not overstepping the limits of the original appointment. Had the principal paid attention to the activity of his agent, he would have known that the slave had been involved in the storage business on a regular basis. This case shows that under normal circumstances the actio insitioria was denied when the transaction fell outside the scope of the appointment.

Circumpection was required on the part of a third contracting party entering into a business transaction with the agent, so that the transaction did not fall outside the scope of the appointment. For instance, a moneylender had to make sure that the money borrowed by the insitior would likely be used in fulfillment of the task entrusted to him. There was no need, however, for the third contracting party to go through too much trouble to ensure that the money was actually used in the purported way, as Africanus points out in the case of a shipmaster.

The Roman jurists were more concerned with establishing under which circumstances the actio insitioria would be given to a third contracting party than with the historical profile of business agents. It is important to note, however, that in most cases cited by the jurists the manager is a person-in-power (alieni iuris), i.e. a slave or a son. Freedmen are occasionally mentioned: in a famous passage, Gaius refers to those who do business overseas and in distant areas through their slaves and freedmen.

The appointment of the agent could occur prior to, or after, his manumission. Scaevola mentions a freedman who had been appointed to the head of a bank (mensa nummularia) and records elsewhere that some agents had started as slaves and continued their activities in the same position after their manumission. Papianinus, who refers to a similar case, specifies that the relationship between agent and principal is not altered by the change of status. Papianinus’s opinion probably reflects a change whereby the actio insitioria was probably extended to agents who did not belong to the family of the principal. I will argue later on that at the time of the creation of the actiones insitioria and exercitioria the liability of the principal was recognized only when his agent was his dependent, which could account for the relative unimportance of freedmen in Dig. 14.3.53

The term insitior designates a person with reference to his/her legal situation, not to his/her profession. It represents one type, among others, of indirect agent. An insitior can perform free of charge, or can be hired by the principal. These two features make it more difficult to tell apart institores from other business contractors, such as mercipes, conduciones, redemptores, etc. Institores were engaged in land...
based activities as opposed to seaborne trade for which the equivalent of the insititor is the magister nautis ( "shipmaster" ), whose principal is called exercitor ( "shipper" ). The legal remedy given to the third contracting party against the principal is called actio exercitoria ( Dig. 14.1.1 ). Both the exercitor and the magister nautis could be found in the position of insitiores, because both were likely to conduct transactions not necessarily related to the management of a ship.55

2. Insitiores in the literary sources

If we consider now the picture provided by the literary sources, it is striking to note at first that ancient writers had little to say about businessmen in general, and even less about insitiores. The following survey is based on the references collected in the Thesaurus Linguae Latinae, which amount to about 60 occurrences.56 This collection, which may not be comprehensive as far as Imperial sources are concerned, includes quotations excerpted from both pagan and Christian authors. As a whole, one can divide this material into two categories. On one hand, insitior designates a merchant, a retailer, or a peddler. It is sometimes synonymous with negotiator, mercator, and the

54 The text of the Edict has been reconstructed as follows on the basis of Gais, Inst. 4.71 and Ulpianus (28 ad ed.) Dig. 14.1.1.1: "Quod cum magistro nautis gestum erit eius rei nomine, cui ipso praeposito fuerit, in eum, qui eam naviem exerceret, iudicium da. Si is, qui naviem exerceret, in patria domini (alterius?) potestate est eis iusque voluisse naviem exerceret, quod cum magistro eius gestum erit, in eum, in cuius potestate est erit qui naviem exerceret, iudicium da."

55 Ulpianus (28 ad ed.) Dig. 14.1.1.1:3: "Magistri autem impuniment locandis navaibus vel ad mercibus vel vectoribus concludendis armamentariaem emendis: sed etiam mercibus emendis vel vendendis fueret praeposuit, etiam hoc nomine obligatum exercitorem;" and Dig. 14.1.1.1.9: "Si is, qui naviem exerceret, in aliena potestate est eis iusque voluisse naviem exerceret, quod cum magistro eius gestum erit, in eum, in cuius potestate est erit qui naviem exerceret, iudicium datur."


56 TLL 7.1 (1964) cols. 1985-86, s.v. insitior; and P. Fabricius, Der gewaltsame Insitior im klassischen römischen Recht (Würzburg 1926) 26-30, esp. 27, n. 11.

likes, although it ordinarily refers to a lower social stratum. On the other hand, the word seems to have acquired a derogatory meaning and has a flavor of greed, luxury, and debauchery. We will see that literary writers used the word in a different acceptation from legal writers.

a. Insitiores and seaborne trade

In the literary sources, insitiores are presented as engaged in seaborne as well as land based trade. Horace associates insitiores with sailors (nautae) and with a shipmaster (magister nautis).57 This might be a coincidence, but it is not an isolated instance. Manlius mentions an "insitior aqueae... mercis" who trades on the seashore and exploits marine resources, such as pearls.58 In later antiquity, Jerome translates τούς ἐμποροῦμεν ιηεληειεινηνς as "navis insitioris,"59 the insitior being either the shipper or the shipmaster, as Salonius, a fifth-century bishop of Vienna, explains to his interlocutor Veranus:

A merchant is called insitior, because he always toils in order to acquire merchandise and to increase his profit. His ship loaded with various commodities available in greater quantities in his homeland, the insitior sails across the sea to sell his cargo in foreign places before returning home with goods of a higher value.60

Sidonius Apollinaris, a contemporary of Salonius, alludes to the "plenas mercibus... carinas" that an insitior trades in peace-time.61 In conclusion, it seems that the term insitior, at least in non-technical literature, applies to all persons engaged in commercial activities, regardless of the place—urban or rural areas, or overseas countries—where the operations are conducted.

The literary sources rarely provide any relevant information about the social background and the economic activities of insitiores, but they shed some light on the prejudicial attitudes of the upper

57 Hor., Epod. 17.20; Carm. 3.6.29-32.

58 Manlius 5.406-408: "tali sorte suas artes per litora tractat, aut emit externos pretio mutuaque labores insitior aqueae... varia sub imagine mercis."


60 Salonius, In Proverbia Salomonis 31.14 (= PL 53.990 B): "Insitior dictor negotiator, propter quos semper imperat ut acquirat et multiplicet merceres et lucra sua. Navis ergo insitioris omnia diversa mercimoniae, quae in sua patria magis abundant, per mare perget ad loca peregrina, ut illuc venditisque quae atru filic, cariora domum reportet."

61 Sid. Apoll., Carm. 23.260.
classes of Roman society toward *insitiores*. These attitudes were sometimes translated into official policies, whereby the political authorities took repressive measures against this class of businessmen.

b. prejudices against *insitiores*

The widespread contempt for a broad range of economic activities forms the basis of the derogatory connotation attached to the word meaning small-scale traders. This emphasis seems to go back to the earliest dramatic reference to *insitiores*. Recording the events that took place in 217 B.C., Livy tells the story—probably fictitious but nonetheless plausible for this period—of a demagogic magistrate, C. Terentius Varro, who supported a bill to which the nobility was opposed. To add some discredit to the circumstances that motivated Varro’s political stand, Livy (or rather his source, Fabius Pictor) emphasizes the social background of the incriminated magistrate whose origin was not merely low, but even sordid: his father was a butcher who performed the menial task of selling meat. It is interesting to note that the term *insitior* applies to the father, although there is no evidence that he was the agent of the store’s owner. His disgrace would have been of lesser significance if he had been the owner of a shop managed by slaves, which may have been the case, but our source did not volunteer that information. After practicing the same trade for a while as the assistant or agent of his father, the future consul of 216 succeeded in working his way up and escaping from this low position. By telling us that not only his ambition, but also the money he inherited from his father were instrumental in permitting him to rise on the social ladder, Livy suggests that the occupation of butcher was very profitable: Varro’s father may have been a wealthy businessman. Still, Varro’s past involvement in petty trade, by which he was irrevocably branded, was viewed as the cause of his questionable political attitude.

One can argue that Livy may be guilty of using an anachronistic
terminology in writing about *insitiores* in a third-century context. The word is not used by Plautus or Terence, nor by any author before Cicero (in 44 B.C.). However, it is remarkable that (a) the term used in reference to Terentius Varro is not a unique case in Livy’s work, as he uses it again in another passage to refer to a distant, contemporary event; and (b) other Augustan or Imperial authors consider the word *insitior* appropriate for describing a situation occurring in the mid-Republican period.

In the narrative concerning the settlement that took place after the crushing of the revolt of Capua (211 B.C.), Livy reports that the proconsul Fulvius Flaccus allowed only a large group of resident aliens, freedmen, *insitiores*, and craftsmen to stay permanently in the town, while all people commanding some degree of social prestige or respect, i.e. the nobility and the landowning middle class, were either put to death or sold as slaves. It is established that economic considerations prevented the town from being completely destroyed and its whole population deported: the reason for the Roman government’s leniency was due to the Campanian cultivators’ probable reliance on the town for necessary tools, artifacts, and a market for the sale of their surpluses.

According to Valerius Maximus, P. Cornelius Scipio Aemilianus banned civilian camp followers from military quarters in order to strengthen the discipline among his soldiers during the siege of Numantia in 134/3. The targeted crowd was composed of butchers (*lixiae*) and prostitutes (*scorta*), as well as *insitiores*, whom Valerius Maximus calls an “ugly and shameful scum.” Appian records the same event, and we have good reason to think that the story is authentic because it probably goes back to Polybius, who is thought to have been present at Numantia as a personal friend of Scipio.

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63 Livy 22.25.18-19: “Patrem lanium fuisset erint, ipsum insitiorum mercis, filioque hoc ipso in servilia eius artis ministeria usum:” and 22.26. C. Terentius Varro had been quaestor, twice aedile, and praetor (217 B.C.), and sided with those who opposed the dictator Q. Fabius Maximus’s policy before the battle of Cannae. This position won him the consulship soon after (in 216).


66 Val. Max. 2.7.1: “P. Cornelius Scipio . . . edixit ut omnia eis, quae voluptatis causa comparata erant, afferrentur ac summoverentur: nam constat tum maximum inde insitiorum et lixtarum numerum cum duo milius scortorum absit. Hac turpi atque crucibenda sententia vacuaculae exercitus noxter.” Appian, *His. 14.85*: “Ex xilis, id est curas ipsius, et evenusque, et etiamque et maximam b cedens, eis, quae deis dynastes est, praematura periculis gerendae, huc ab- naeviss. There is no evidence that Appian was using Valerius Maximus as his
As the Roman army relied mostly on private enterprise for its logistical support, it is likely that major campaigns provided business opportunities for dynamic tradesmen. An episode of the Gallic War illustrates that relationship between businessmen and the military. In his account of the year 52 B.C., Caesar reports the death of one Gaius Fusius Cita, a member of the equestrian order and a respectable merchant (negotiator) to whom he had entrusted the logistical supply of the Roman army. In Caesar’s own words, Cita was the equivalent of a praetorius, but his social status protected him from the suspicion of being an institor. Feeding and equipping an army of several thousand men required a rather sophisticated organization, so it is likely that Cita had access to an existing infrastructure (suppliers, storage spaces, relay stations, lines of communications, etc.) and was content with supervising the work of others, either his own servants and employees or some subcontractors, whose social status was similar to that of the institores in the Numantine War. The relationship between Caesar and Cita was possibly based on some kind of friendship or personal connection: Cita was then acting on the basis of a mandate or of a contract of work, and could be considered the archetype of the procuratores or conductores/ redemptores of the Imperial period. The Numantine episode in 134 B.C. and Caesar’s personal experience should be considered as early signs of the existing and growing interaction between the army and private businessmen. Producers and distributors were always attracted by the huge military markets, and went through great trouble to maintain their control over them, especially when the army had settled in more permanent quarters—for instance on the Rhine times in the first century A.D. We will see further on how the institor arrangement may have facilitated the suppliers’ task.

In the moralistic writings of the early Empire, institores were despised for their greed, which they allegedly tried to satisfy through speculation and petty trade. Profit-making was the raison d’être of any institor, and this fact is supported by Paulus’s statement that the principal of a vilicus would not be liable to an actio institoris, unless the latter had been appointed for the very purpose of doing business (“propter quaestum”). A Christian writer like Salonius is eager to stress that the very term institor—according to a fanciful etymology—is revealing of avarice. Not all profits were censured, only those derived from banassic activities and those which brought about distress to others. Institores were notorious for taking advantage of weak, corrupted youths whom they supplied with superfluous luxury goods, for which they were keen at creating a demand. As a result of the establishment of commercial networks that could rely on adequate transportation, processing facilities, storage spaces, and retail outlets, the commerce of exotic commodities—such as ice—became profitable and fashionable. Prices fluctuated according to seasonal variations. The better skilled the institor, the more successful in anticipating rises and drops in prices and making the necessary adjustments. Pliny the Elder says that cloth dealers used to watch the sky on the night of November 10 and, on the basis of the position of certain stars, could determine whether the winter would be cold or wet, setting the prices of coats and cloaks accordingly.

Juvenal acknowledges the readiness of institores to accept

69 Cf. Chapter Four, about the establishment of branch workshops to facilitate the distribution of pottery in the provinces.
70 Paulus (9 ad ed.) Dig. 14.3.16: “Si cum vilico aciulus contractum sit, non datur in dominum actio, quia vilicus propter fructus percipientis, non propter quaestum praeponitur.” But cf. above, and Chapter Three.
72 Sen., Brev. 6.36.3: “Institores delictarum mercium inventus corrupta locupletat.”
73 Sen., QNat. 4b.13.8-9: “Istaque ne unum quidem eius est pretium, sed habet institores aqua et annonom, pro pudor! variam... Quid illi [Laceraedemon] fecissent, si vidisset repentinam nivis officinam et tot iumenta portandae aequae deservientia, culus colorum saporemque paleis quibus custodium inquantum.”
wage adjustments and his scholiast comments on “institor hibernae tegetis niveique cadurci” ("trader of winter blankets") by saying that he is a "merchant who depends on the weather to sell his product." No credit is given for such flexibility and, in the mind of upper-class Roman writers, a shrewd businessman is not considered worthy of the same respectability as an astute and knowledgeable cultivator.

In addition to, or rather in consequence of, the discredit attached to their economic pursuits, institores as petty traders were viewed as a group sharing in some social stigma. Male institores were thought to have been endowed with qualitatively and quantitatively superior sexual power channeled into illicit or immoral activities. This attitude is widespread among racially biased people towards religious or ethnic groups they scorn but, at the same time, fear, e.g., Jews and Gypsies in Western Europe, and blacks in America. Such biases are not aimed exclusively at racial groups. The basis for the stereotype is obvious: as peddlers, institores knocked at the door of private houses in the daytime, when the men of the family were busy outside. Then they had plenty of opportunities to chat with secluded women and to seduce them with gifts. Ultimately they became so arrogant as to not even mind the presence of a husband:

An indecent institor will come to your craving mistress and will display his treasures in spite of your sitting there.  

Legitimate lovers and husbands were at a loss, not knowing how to handle such a tricky situation while protecting their honor:

If you let in old women, seers, charlatans, dealers in gems and silk garments, your honor is at risk; but if you do not, you become suspect of being unfair.  

It was not so much the incessant sexual activity of institores that was targeted as their promiscuity, want of discrimination, and lack of discretion. Institores had the reputation of switching partners and taking advantage of women’s temporary boredom:

She loves others, but she is tired of me: a peddler, alas, enjoys the nights that she denies me.  

Institores saw nothing wrong with engaging in sexual intercourse with such outcasts as the witch Canidia "often loved by sailors and traders" and could not refrain from interfering with the life of married couples:

Her husband sees her get up to comply with the request of a businessman or of the shipmaster of the ship Hispana, who is ready to pay a high price for her dishonor.

For Roman moralists there was only one step from adultery to prostitution. Institores were described in turn as prostitutes, pimps, or Johns. P. Attilius Philiscus, a character embodying early Roman modesty, had been forced as a youth into prostitution by his master, but later killed his own daughter whom he had found guilty of debauchery. Valerius Maximus marvels at this "vendor of sex" turned "such a harsh avenger of chastity." Arnobius indiscriminately labels as institores perfumers, muleteers, butchers, whores, etc. It is unclear whether Pseudo-Quintilian's "merchants of shame" peddle their own virtue or someone else's, but the sexual allusion is unmistakable. Seneca wishes that the prostituted phi-

"Anus et aruspices et hariolos et institores gemmarum sericarumque vestium si intimoneris, periculo pudicitiae est: si prohibueris, suspiciosis inuria.


Hor., Epod. 17.20: "amata nautis multum et institoribus."

Hor., Carm. 3.6.29-32: "sed iussa coram non sine conscio / surgit marito, seu vocat institor / seu navis Hispavan magister, / sed ecce rem praecipua emptor."

Val. Max. 6.1.6: "Quam sanctam igitur in civitate nostra pudicitiamuisse existimare debemus, in qua etiam institores libidinis tam severa eius vindices evasisse animadversionem?"

Arn., Adv. Nat. 2.38: "Quid picarios salinaros bolonas ungualitatis aurifices aecules vannorum sirpiaurumque vitores? Quid fulgones lanares phrygiones cocos panchristarios multiones lenones lanios meretricies? Quid institores alia genera, quid professorum et artium, quibus enumerandis omnis aetas angusta est, rationibus conferunt et constitutionibus mundi..."

losophia would barter her pimp for a priest. As sexual intercourse with prostitutes did not incur any social disapproval, Horace’s “buyer of dishonor”, whose attempt at seducing a Roman matron is understandably decried, was unlikely to be the chief target of moralists if he chose his partner in lower circles; consequently, no emphasis on this aspect of the sexual activity of institores is noticeable in the sources.

Opportunistic and libertine, yet playing a vital economic role, the typical institor was viewed by the nobility as a necessary disease to be contained within strict limits. This was mainly achieved by social segregation, the upper classes pretending to abstain from potentially very profitable activities which became the preserve of the lower classes. Claim to respectability was inconsistent with petty trade, which explains why slaves and freeborn have-nots are more likely to be found in the shoes of institores than successful and socially ambitious freedmen. Respectable business agents of course were plenty, but they can be expected to distance themselves from pettiness by adopting an upper-class attitude or status. This is exactly what the freedman M. Aurelius Zosimus did, with the generous cooperation of his patron, M. Aurelius Cotta Maximus Messalinus, the consul of A.D. 20. On his tombstone (dedicated by his wife), Zosimus reports that, apart from being the attendant (accessorius) of his patron, he was regularly entrusted with the management of his affairs, for which activity he was given on many occasions the financial means to obtain the equestrian census in addition to care and financial benefits for his children. Any specific title (procurator, actio, dispenser, institor, etc.) or job description are carefully and consciously omitted in the dedication.  

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85 Sen., Ep. 52.15: “...mihi nomo non institorum, sed antistitum nannota est.”
86 CIL XIV 2298 (= ILS 1949, found on the Via Appia in the territory of Alba); “M. Aurelius Cotta / Maximi L. Zosimus, / accessorius patroni. / Libertinus / eram, fateri / sed facta legetur / patrono Cotta nobilis umbra mea. / Qui mihi sacre libens census donavit / equestria, qui iussit natos / tollere, quos aleret / quique suarum coartavit / patera semper, et idem dotavit / natas ut pater ipse meae, / Cotunquaque meum proditum / honore tribuni, quem fortis / castris Caesaris emeruit, / Quod non Cotta debitum / in terris, nee cum / contraria tractis hunc debitum / in tumulo conscripsit / Auresilia Saturnia Zosimus.” Cf. J.H. D’Arms, CASSR (1981) 103-04, with other examples of freedmen working for, or at least in possible connection with, their patron.

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c. imperial policy against institores

There were times, however, when the nobility felt that the barriers between them and the others were no longer visible enough and required some drastic intervention on the part of the political power. We know of a few occasions when a magistrate of the Roman state or the emperor tried to control the position or activities of institores as a social and economic group. According to Pliny the Elder, C. Sulpicius Galba, a favorite of the emperor Tiberius who became consul in A.D. 22, complained in the senate that institores were successfully escaping the fine to which innkeepers were subjected (popinarum poenae) by claiming exemption on the basis of their alleged equestrian status. This event took place in A.D. 23 and was elicited by the enforcement of a measure probably introduced by Galba himself in the previous year, whereby profits derived from activities associated with bistros and hotels, e.g., sales of hot meals and drinks, gambling, prostitution, etc. were subject to some kind of inhibiting tax. 88 Pliny unambiguously states that a double standard was applied in the enforcement of the rule and that social prestige entailed legal privileges. What annoyed Galba was not so much the legally questionable application of double standard as the claim laid by a category of economic agents to determine their own social status without referring to the elite. This kind of initiative is known to have been particularly odious to the ruling class. 89 The debate that followed Galba’s intervention resulted in a major purge of the equestrian order, the access to which was restricted to those who could boast a free origin. The wording of the decree reveals that institores were commonly viewed by the upper classes as slaves, freedmen.

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88 For similar measures, cf. Suetonius, Tib. 34.1; Claud. 38.2 (about an incident that occurred probably during the reign of Tiberius or Caligula): Nero 16.2; Dio Cass. 60.6.7 (A.D. 41); 65.10.3 (A.D. 70); on first-century imperial regulation of eating-houses, cf. G. Hermansen, “The Roman Inns and the Law. The Inns of Ostia,” in J.A.S. Evans (ed.), Peis and Imperium. Studies in Honour of E.T. Salmon (Toronto 1974) 167-81. The popinarum poenae are interpreted diversely by Kleberg, who understands them as fines collected as aediles when innkeepers transgressed the stiff imperial laws prohibiting the sale of certain commodities, and Talbert, for whom they were penalties for keeping eating-houses (cf. preceding note).
89 This fact is best illustrated by the Gnomon of the Idios Logos (FIRA 1, no. 99 -
men, or descendants of these within three generations. The historicity—though not the dating—of the anecdote recorded by Pliny is warranted by the find at Larium of a senatorial decree passed in A.D. 19 that deals with the same issue.

Further official intervention against institores is reported by Martial, who alludes to the persuasiveness of shopkeepers in Rome. In response to this state of affairs, the emperor Domitian reportedly took steps to keep them off the sidewalk in order to improve the fluidity of the traffic within the city. Even though from a practical point of view the official reason was sensible, the measure effectively interfered with the occupation of shopkeepers and peddlers and could be viewed by the lower classes as a deliberate show of power toward a group whose economic dynamism was considered too aggressive.

These two instances of intervention by public authorities against institores recorded in the literary sources are supplemented by two other instances recorded in epigraphical and legal sources. First, Diocletian’s Price Edict was promulgated in A.D. 301 with the expressed purpose of preventing greedy institores from doing further damage to the economy through manipulation of prices of commodities and services. By targeting this specific group, the emperors thought that they would be able to curb the monetary instability and to impose a new economic order. Second, an imperial decree issued by Theodosius II and Valentinian III in A.D. 436 barred institores and their like from holding public offices, as magistrates, military officers and civil servants in the provinces, not to say in both capitals:

We also command that all people involved in various trading activities, bankers, vendors of gems, silversware, and garments, warehousemen, and all kinds of institores and workers be removed from public positions in provincial government so that the magistracy and the bureaucracy will be sheltered from infection of this kind.

These independently recorded events leave no doubt that official notice of institores as a group was taken only to express the aristocratic attitude toward trade and commerce, which can be traced a long way back to the Republican period and is most explicitly represented in Cato’s preface of his De Agri Cultura or by Cicero in a famous, often-discussed passage of his De Officiis. Admittedly, the bias

prestitis rerum venalium (Genova 1974) and S. Lauffer, Diodetianus Presidedit (Berlin 1971). Cf. next section on epigraphical sources.

94 Cod. Iust. 12.57.12:3; “Sed etiam cunctos, qui diversarum rerum negotiabantur, transpicta scilicet vel gemmarum argentique vestvumque vende
tores, apothecarios etiam et ceterosque instutores altiarum mercum quibusque ergastus adhaerentes ibemus a provincialibus officis removeri, ut omnis honor atque militia contagione huissmodi segegetur.” Similar measures affected the Jews in the East, cf. in particular F. Johnson, A History of the Jews (New York 1988) 165; A.H.M. Jones, The Later Roman Empire (Norman, OK 1964) 948 and 1392, nn. 25-26, with reference to Cod. Theod. 16.8.16 (104) and 24 (148) for the Western empire; and Neo. Theod. 3.2.5-6 = Cod. Iust. 1.9.18 (436 or 439), for the Eastern empire, with the addition of the position of pater cellae to the list of barred offices. Exclusion from the army was enacted in an edict of the emperors Gratian, Valentinian and Theodosius, addressed to provincial taxators (Cod. Theod. 7.13.8, A.D. 380): “Inter optimas lecissimorum militorum neminem et numero servorum danum esse decenniis neve in cauponae ductum vel in fumosarum ministerii tabernarum aut eocorum aut pistorum numero vel etiam eo, quam obsequi deformitas militia secernit, nec tracta de ergastulis nomina.” Prof. S. Treggiari pointed out to me that these extreme social prejudices are not present in earlier municipal laws, and this is consistent with Callistratus’s opinion that specifies (6 cognit. Dig. 50.2.12) that small traders (“qui utenilisia negoiantur et vendunt”), who are exposed to physical punishment at the hands of the aediles, are not infamis and can aspire to a municipal career if more honorable candidates are lacking; cf. P. Jacques, Le privilege de libert. Politique impériale et autonomie municipale dans les cités de l’Occident roman (161-244) (Rome 1984) 330; and 533.

95 Cato, Agr. Pref. 1: “Est interdum praestare mercaturis rer quearete, nisi tam periculosum sit, et item fenerari, si tem honestum sit;” and 3: “Mercatum autem strenuum studiosiunque rei quearendae existimo, verum, ut supra dixi, periculosum et calamitosum.” Cic., Off. 1.42.150-151: “Primum improbo antquum te quaestus qui in odia hominum incurrant, ut portitorum, ut feneratorum... Sordidi etiam putandi qui mercatur in mercatores quot satim venant; Mer-
against *institores* must have varied in times and places according to the fervor with which the traditional attitude toward trade and commerce was fostered and perpetuated. Discrepancies between attitudes and behavior must also be expected at the individual level, as is clear from the writings and biography of Cato the Elder, who reportedly engaged in seaborne trade and moneylending through his freedmen while condemning loudly both occupations.96

d. use and meaning of the word *institor*
The word *institor*, which first occurs in a text by Cicero written in 44 B.C.,97 was part of the vocabulary of classical (Livy, Horace, Ovid, Propertius, Manilius, Valerius Maximus, Scribonius Largus, Seneca, Pliny the Elder, Quintilian, Juvenal, Martial, Irenaeus) and post-classical writers (Arnobius, Nonius Marcellus, Donatus, Claudian, Prudentius, Jerome and his disciple Philippus [= Ps.-Jerome], Sidonius Apollinaris, Saloiius, Gregory the Great). The sheer length of this list bears witness to the popularity of the word that survived in Medieval Latin, but seems by then to have lost its derogatory connotation. One of the latest instances where *institor* has an unequivocally negative meaning occurs in the imperial constitution of Theodosius II and Valentinian III (436) quoted above.98

The manuscript tradition of Christian texts in which the word *institor* is used shows that some problem of understanding arose at some point. Gregory the Great, who was Pope from 590 to 604, points out that "in all Latin books we find the word *instititor* [= teacher], while in Greek works the word for *negotiator* [= merchant] is used" and he attributes this change to the writers' ignorance.99 One can argue (a) that the word became obsolete in the fourth or fifth century A.D. and, its meaning being unclear, was replaced by a more familiar word (*institutor* means "educator"); or (b) that some copyists felt uncomfortable using this word because of the continuing perception of its derogatory flavor, which was uncalled for in the present context, and indulged in a small alteration of the word; or (c) that the variant was the result of a scribal mistake: the copy of Diocletian's Price Edict found at Plataea (cf. below) reads *institutor* instead of *institor*.

It is worth stressing that in no place in the literary sources it is specified that *institores* were agents, dependent managers, middlemen, or foremen. This can be explained by the fact that literary writers were mostly members of the elite and therefore unlikely to draw attention to the principals who benefited from the activities of *institores* in spite of the general attitude of the upper classes condemning trade and business. However, self-restraint on the part of our sources cannot provide more than a partial explanation, as there are quite a few instances where upper class writers unreluctantly mention agents involved in transactions on behalf of the elite. For instance, Plutarch reports, without condonation, the avaricious attitude of Cato the Elder who took shares in business ventures through his freedman Quintus100 or provided some of his slaves with a *peculium* for the purpose of slave-breeding.101 In addition, principals could belong to the lower-middle class102 and moralists would have had no reason to spare them. The unanimous agreement of the literary sources on using the word *institor* without reference to agency must reflect a semantic choice on their part and emphasizes the so-

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96 Plut., *Cat. Mai.*, 21.5-7: 'Ἀπέτυχεν δὲ αὐτοκόπτους παρακλητοὺς, τὴν μὲν γενικὴν μᾶλλον ἡγεῖται διαγνωσάς οὖν ἐπὶ ἡμῖν, ἐς 6线 ἀσφαλῆ δράματα καὶ βέβαια κατατέθεις τὸ κενὸν ἀφορμῆς ἐκτὸς λέγοντας... (6) Ἐξήραντο δὲ καὶ τὸ διαδίδομενον μάλιστα τῶν δανεισμῶν ἐπὶ ναυσικά τοὺς τρόπους τούτους. Ἐξέστω τοὺς δανεισμούς ὑπὸ κοινῶν πολλῶν παρακλητούν γενόμενον ἐπὶ πτέρυγα καὶ πλάκων τοσοῦτον αὐτοῦ εἰς μιὰν μερίδα διὰ Κοίνωντος λογελθοῦσαν τῶν δανεισμῶν συμφραγισθεὶσαν καὶ συμπληρωμένας' (7) Ἡν [8] ἀνὸν οὐκ ἔπει δὲ ἕκωνθος. διὸ ἐς μὲν ἐκ μικρὸν ἐπὶ κέρδης μεγάλοις.

97 Cic., *Phil.* 2.38.97: "Quid ego de commentariis infinitis, quid de innumerabilibus chirurgiis loquar? Quorums ita institores sunt, quia tamquam gladiatorium libellum palam vendentium."

98 I will discuss the etymology of the word in the section about the creation of the *actio institoria* in its relationship with the *actio exercitioria*, cf. Chapter Two.


100 Plut., *Cat. Mai.*, 21.6-7; cf. above.

101 Plut., *Cat. Mai.*, 21.7-8: 'Εκείνου δὲ καὶ τῶν ὀνείρων τῶν βουλημένων ἐργάσαιν οἱ 6 γενόντος πάθες, εὔτε τοῖς δολοῖς ἀδίκοις, καὶ διδακτικοῖς ἀνάλογοις τοῦ Κατόνου καθ᾽ ἐπικόμην ἐπικόμενος. (8) Πολλοί δὲ καὶ κατείχον οἱ Κάτων, δεῦρην δὲ κλείνεται δίδωμι ἑαυτῷ την ὑπολογίζομενον.'

102 Sex: Avidius Eutychus in *CIL* XI 1621 ( = *JLS* 7607, *Florence/*Regio VII) was probably a freedman; Mocianus in *CIL* III 13523 (Tüller/Noricum) has no identifiable connection with any known character, but the cognomen Mocianus is common.
cial and economic position of petty traders rather than their legal relationship towards a principal. The literary usage suggests that \textit{institores} could be self-employed businessmen.

3. \textit{Institores} in the inscriptions

A possible consequence of the contemptuous attitude of the nobility toward people engaged in petty trade is the rare occurrence of the term \textit{institor} in Latin inscriptions. Most of those who wanted to record their own, or other people's, memory on tombstones probably did so either using the label of specialized craftsmen or tradesmen,\textsuperscript{103} or without any mention of occupation. It is therefore difficult for modern historians to differentiate self-employed workers from business agents. When a slave occupied in some business activity is mentioned in connection with his master, it is possible, but not certain that the slave was employed as business agent by his master. A slave could also be employed by someone else as a mercenarius, or carry out a de facto independent activity on the basis of the grant of a peculium.

From Italy, there are only three inscriptions recording \textit{institores}. One, found in Florence, is the tombstone of a certain Adiactus, the slave of Sextus Avidius Eutychus (himself perhaps a freedman), who was engaged in the perfume industry (\textit{seplastarius negotiatus}).\textsuperscript{104} The second inscription, from Rome, records another perfumer (\textit{unguenterius}), Faustus Po... which was related to the gens Popilia which was known for its commercial interests in perfumes.\textsuperscript{105} The third inscription has been found on the site of a Roman villa near Chieti and was dedicated by one Q. Avidius Bassus to the\textit{ institor} Dionysius, who was working as a cobbler (\textit{sutor}) and shoemaker (\textit{caligarius}) for a certain Cn. Mamilius Primus. The nature of the relationship between Dionysius and Q. Avidius Bassus is uncertain.\textsuperscript{106} The connection with a Roman villa might be purely accidental, since one cannot assume that Dionysius was buried where he worked. If the discovery site of this inscription is significant, it could mean that the \textit{institor} was attached to the villa in the capacity of manager of one of the activities carried out there.

The rest of the empire has yielded only two additional examples so far. One is a monument dedicated by a certain Tattus for himself and his dependent Tatton. The stone was found in the vicinity of Tufier (Noricum), which may indicate that the \textit{institor} was the bathkeeper (\textit{balneator}).\textsuperscript{107} The most interesting example comes from the province of Macedonia: Vitalis, son and slave brought up in the house (\textit{serva}) of C. La(?)ius Faustus, died at age 16 while in charge of a shop, the so-called "Taberna Apriana."\textsuperscript{108} The inscription records the credit that Vitalis had acquired with the local population ("a populo acceptus")\textsuperscript{109} and apologizes for the occasional swindling of his customers in order to increase his principal's profit.

The only securely datable epigraphical evidence is provided by the imperial constitution promulgated by Diocletian and his colleagues as an introduction to the Edict on Maximum Prices (A.D. 301). To justify the drastic measure of setting a price ceiling on a list of commodities and services, the authors of the enactment blamed the greed of \textit{institores} for the sharp rise in prices that affected the Roman economy and prevented its recovery. They objected to several evil practices: rich people were speculating on the price of grain after a bad harvest, and were employing business managers in market-places who pursued their own profit by charging murderous rates of interest.\textsuperscript{110} Unfortunately, the text is corrupt and the Greek version is no longer extant.

\textsuperscript{103} S. Treggiari, in P. Garnsey (ed.) (1980) 48-64, esp. the list on pp. 61-64.
\textsuperscript{104} CIL XI 1621 (= ILS 7607).
\textsuperscript{105} CIL VI 10007 (= ILS 7608).
\textsuperscript{106} CIL IX 3027 (= ILS 7546, Teate Marrucinorum). The last word of the inscription is abbreviated and could be read \textit{pav}i\textit{toria} or, less likely, \textit{pavornas}.
\textsuperscript{107} CIL III 13523; cf. Chapter Five.
\textsuperscript{108} CIL III 14206, no. 21 (= ILS 7479, Karrakavak/Macedonia).
\textsuperscript{109} H. Wagner, "Zur wirtschaftlichen und rechtlichen Bedeutung der Tabernen," \textit{Studii Bizantii} III (Milan 1982) 391-422, esp. 398, n. 47 suggests that the expression "a populo acceptus" refers to a "publizistischen Superlaxivverhältnis" according to which the \textit{Taberna Apriana}, located on public ground (\textit{locus publico}), would have been rented out to Vitalis or his principal/owner/father on the basis of a state contract. Cf. Ulpianus (44 ad Sab.) Dig. 18.1.32 and below, Chapter Two.
\textsuperscript{110} ILS 642, Praef. 12. I 26-26 (Lauffer): "Et quibus seper (sic) studium est in questum trahere etiam beneficia divina, ac publicae felicitatis aucturiam (sic) stringere rursusque anni steril[s]te de seminum] iactibus adque instititorum officiis munindari, qui singuli maximis divitis diffusibus, quae etiam populus adiutam expelire potuissent, concatenetur pecul aet et lacerrades centenarias (sic) perseverantur: eorum avaritiae modum statui, provinciales nostrs, communis humanitatis ratio persuadat."
C. Greek terminology

As Latin literary and epigraphical sources refer to institor as petty tradesmen or business managers, one can expect their Greek counterparts to have occasionally dealt with this category of people and to have used a Greek term to designate them. In order to be able to exploit Greek sources, it is necessary to determine how they would refer to business managers.

1. Bilingual sources

Our only bilingual source is the Bible, with the Greek Septuagint and Jerome's translation. The Vulgate includes six passages where the word institor is used. The corresponding passages in the Septuagint do not offer a homogeneous translation. In Job 28.8, "filii institorum" stands for υἱοὶ ἀλαζόνων, an ἀλαζόνων being a vagrant, a charlatan, or a braggart. In Isaiah 29.8, Ezekiel 27.13, 17, and 20, "institoris" translates ἐμποροὶ, and in Prov. 31.14, "navis institoris" translates ναὸς ἐμπορομανή. Other works by Church Fathers bearing on these passages or others include the word institor, and often a tentative explanation is provided. On the other hand, there is no example of the use of the word institor in the Latin version of the New Testament. Yet, Jerome, commenting on Matt. 13.45-46 or 21.12-13, uses "institoris" to translate ἐμποροὶ or πωλοῦντες. The Gospel according to Matthew provides one interesting case (24.49-47): a well-deserving slave in charge of a household (ὅν καταστήσας ὁ κύριος ἐπὶ τῆς οἰκείας αὐτῶν) is promoted to higher functions (ἐπὶ πάσιν τοῖς ὑπάρχουσιν ἄυτοι καταστήσεις αὐτῶν). The verb καταστάνει of the Greek version is translated by the verb constituere in the Vulgate ("quem constituit dominus suus super familiarium suam"), which is a synonym of the verb praeponeor. The Lukan parallel (12.42-46) uses the word oikonomía.

In the Basilica, a Greek adaptation of Justianic codification made during the reign of Leo the Wise (886-911), the Anonymous translates institor/paeposius as προστάτος of ἐργαστηρίου, ἐμπορίας χάριν προστάτος, or προβληθέν ἐπὶ τῷ πολεῖ ἢ ἀγοράζειν.

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111 Elsewhere Jerome translates "filii arrogantium" (PL 29.97 B).

The vilicus of Dig. 14.3.16 is a διοικητής, while προνοτης and έπιτετραχός translate respectively procurator and tutor. The principal is referred to as προστάτης, διοικήτης, or προβληθέν. The scholiasts (Kyrillos, Stephanos) use the Latin terminology (institor), but call the vilicus oikonomía. Another source providing information about the Greek equivalents of the word institor is found in the Corpus Glossarium Latinorum (vol. 6, p. 588), which offers as equivalents for institor the words ἐγκαταστήματος ("head of a workshop"), ἐνδικάρος ("broker"), and ἐργαστηρίας ("taskmaster"). These words were rarely used in ancient texts. Worth mentioning, however, is a late second-century A.D. inscription from Ephesus—but found in Magnesia-on-the-Meander—which records the measures taken by a procurator and the city council after a strike by a group of bakers and their ἐγκαταστήματα: one of them, named Hermias, was in charge of a bakery appended to the temple of the goddess Gamilo and might have been a slave. In this particular context, however, the word ἐγκαταστήματος could mean "foreman" or "lessee" as well as "business agent." Two
2. Business managers in the papyri

The Greek papyri from Roman Egypt have transmitted abundant and detailed information about agents in charge of running the property and business of wealthy Roman citizens. In contrast with the rest of the empire, we have for that province a set of collections of private correspondence exchanged between agents and their principals or third parties. Belonging to the period following the Roman conquest, for instance, are the archive of L. Bellenius Gemellus (first and second centuries), the archive of Sarapion (first and second centuries), the archive of Heroninus (third century), the archive of Papnouthis and Dorotheus (fourth century), and the archive of the Flavii Apiones (fifth-seventh centuries). A systematic study of the role of private agents, agents, masters, and slaves in the papyri would undoubtedly yield interesting results leading to a more thorough understanding of the economic importance and relative social status of various types of business agents in the Roman world. A superficial survey of the papyrological evidence shows that the reality is not so clear-cut as modern historians would hope and warns against any attempt at establishing universal, standardized patterns in which institutions of private law would have fit.

D. Conclusion

The term insitor is generic and designates any person engaged in trade and commerce, mostly, but not exclusively, land based (as opposed to seaborne), and conducted on a small scale (as opposed to the activity of negotiatores). The derogatory connotation of the term—perhaps a semantic development of the late Republican period—did not hinder its use by the jurists who may have coined the expression actio insitioria earlier. It may account for the rare occurrence of avowed insitiores in the epigraphical sources. How

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124 P. Oxy. XLVIII 3384-3429, A.D. 331-371 (or even later).
125 The archive is composed of ca. 160 documents written between 460 and ca. 620; cf. for instance, among the documents recently published, P. Oxy. LVIII p. 667; P. Oxy. LI 1661; P. Wiss. Univ. 26; SB XVI 12464; P. Syl. 18. The phrase ἔμπλη ὀικὸς τοῦ ἐξωραίησαν, or ἕπληκτος ὀπισθορείον, or the variant ἕπληκτος ἔμπλη ὀικὸς is standard in a series of contracts belonging to this particular archive, but does not appear elsewhere in the papyri. Cf. E. R. Hardy, The Large Estates of Byzantine Egypt (New York 1931); J. Gasco, "Les grands domaines, la cité et l'Etat en Egypte byzantine ( recherches d'histoire agraire, fiscale et administrative)" TEGMBya 9 (1985) 1-90; and J. Banaji, Rural Communities in the Late Empire (Diss. Oxford 1992), with a complete list of documents discussed in an appendix.
126 D.P. Kehoe, Management and Investment in Estates in Roman Egypt During the Early Empire (Bonn 1992).
127 Cf. Chapter Two.
ever, the scarcity of direct evidence does not imply that business managers were exceptional. The social and economic structure of the ancient world was characterized by the fact that those who owned the means of production (land, industrial and commercial facilities, ships, and all their equipment) and who had control over labor forces (slaves and clients) were reluctant to be actively involved in the process of production and distribution. This induces me to postulate the widespread activity of business managers at the head of units of production and networks of distribution, doing business on behalf of wealthy landowners, factory owners, and traders. The restraint that agents affected in recording their links to their patrons, on their tombstones in particular, calls for an explanation that may lie in the degree of practical independence that these business managers were likely to achieve in the course of their career. If they had successfully escaped the initial bond by the time they appear in the inscriptions as dedicators or deceased, we may expect that their modest start would be carefully played down.

It is often impossible to establish who was carrying out an independent activity and who was not. The Latin terminology designating particular jobs makes no distinction between the owner of a business, his appointed or hired manager, if there was any, and the workers. In most cases our sources are hopelessly elliptic. Freedmen are particularly likely to elude any attempt at categorization either as independent businessmen or as managers. For instance, the freedman C. Baebius P[?] calls himself "idem danista" in an inscription from Rome. Was he lending money on his own, or was he a partner or a subordinate of his patrons who are said to practice the same trade? The Digest refers to cases where freedmen were acting as competitors of their patrons. It is well known that the Cossetti were involved in the marble trade all over the Roman Empire during the Republican period. Were the freedmen connected with them working independently or under some kind of general direction? Who made the decisions about prices and investment, organized the transport of raw material or (semi-) finished products from the quarries to workshops and construction sites, opened and closed quarries, and appointed their managers? A. Umbricius Scaurus was a famous producer of fish sauce in Pompeii in the first century of the Empire. How usual was it for him to set up agents at the head of shops to oversee the production and the distribution of his fashionable product? Or conversely, how common was it for a wealthy and prosperous entrepreneur to play an active part in operating an estate, a workshop, a store, a ship, etc.?

The list of questions concerning the role of business managers in the Roman economy could be extended ad nauseam, but most of these questions are unlikely to find a satisfactory answer because of the lack of evidence. Consequently, it would be unrealistic to want to trace them in every corner of their economic and social life. In this study, I will focus on business managers as contracting parties within the scope of their appointment. The contracts negotiated by a business manager made his principal liable to an action on the manager's conduct (actio insititia) brought by third contracting parties. The legal basis of this liability, the historical circumstances in

Papinianus (13 resp.) Dig. 37.15.11; cf. also P. Garnsey, Klio 63 (1981) 366, with a counterexample, recorded and supported by Alfenus Varus (7 dig) Dig. 38.1.26 fr., of a physician who does not allow his freedmen to practice the same trade in order to have more customers for himself; and W. Waldstein, Opera liberata. Untersuchungen zur Dienstpflicht freigelassener Sklaven (Wiesbaden/Stuttgart 1986) 300-20.

which praetorian remedies sanctioning this liability were introduced, and the nature of the legal relationship between principal and agent will be discussed in Chapter Two.

Business managers did not form a homogeneous group. The environment in which they operated and the specific features of their respective trades were likely to require very different types of skills; farmers, potters, innkeepers, moneylenders, and undertakers may have little in common, except that, in their capacity of business managers, they were required to be trustworthy and resourceful, and to display managerial skills. Ulpianus’s commentary on the praetorian Edict, based on the writings of earlier (Republican and Augustan) jurists, contains a list of occupations which reflects what classical jurists considered a likely context in which the Roman praetor would be asked to grant an actio insititia.\textsuperscript{135} From the study of the most important and best-documented economic activity in antiquity, namely agriculture, I will establish a model showing what types of contractual transactions managers of agricultural estates (\textit{villicus} and \textit{actio}) were expected to perform with outsiders within the scope of their appointment (Chapter Three). The management of agricultural estates is described in some detail in literary and legal sources, but our understanding of the various systems of management has greatly benefited from the study of inscriptions and archaeological remains of Roman villas.

It has become clear, however, that the farmstead also harbored other types of activities, for instance the productions of clay artifacts such as building material and containers for agricultural products. These products are identifiable by their “trademark” (cast pottermark), their typology, their size and color, and their petrochemical composition. These features are common to other artifacts, the production of which was not limited to a rural setting. As W.V. Harris has shown in the case of the lamp industry, this type of material is likely to contribute much to our understanding of the organization of industry and commerce and will be the subject of Chapter Four.\textsuperscript{136}

Finally, a survey of the epigraphical material has shown that the \textit{villicus} system developed in the context of the management of agricultural estates was adopted in other areas of private and public (municipal and imperial) administration. The study of the collection of a specific type of tax, the custom dues (\textit{portorium}), demonstrates that this system of management, which features a manager (\textit{villicus}, \textit{actor}, \textit{praepositus}, etc.) appointed to the head of a managerial unit (\textit{statio}, \textit{officina}, etc.) and overseeing a skilled staff (\textit{familia}), was widely used during the Principate and was a factor of stability and efficiency. This will be the subject of Chapter Five.

Finally, a cautionary remark. One should be aware that the complementarity of the material used in this study is not always evident. The description of ancient private institutions is based on:

(a) random allusions made by classical authors belonging to a narrow stratum of Roman society and pertaining to widely-scattered geographical and chronological contexts;

(b) legal commentaries tainted with rhetorical and idiosyncratic devices, quoting opinions, sometimes three centuries old, out of their historical and narrative context;

(c) mostly undated, often stray, Greek and Latin inscriptions, the representativeness of which depends on the extent of archaeological work carried out in the area and the quality of its publication and cataloging in the major corpora;\textsuperscript{137}

(d) archaeological material known only through catalogues and reports of varying qualities.

This type of historical reconstruction may amount to comparing apples with oranges, but the absence of a more adequately integrated material compels modern historians to capitalize on this unique situation by studying each type of material separately and for itself, drawing the pieces together, comparing them, and filling the gaps with the help of comparative evidence. One should also keep in mind that it is hazardous to generalize from a material reflecting the views of a very small bracket of Roman society, and that any attempt at establishing a chronological development is vitiated by the fact that the result would inevitably be based on arguments from silence, which would at best provide weak \textit{termini ante} or \textit{post quos}. The impressionistic picture obtained through this approach will provide nothing more than a starting point for further research to disagree with.

\textsuperscript{135} Ulpianus (28 ad nl.) \textit{Dig.} 14.3.5.1-15; cf. above.

\textsuperscript{136} W.V. Harris, \textit{JRS} 70 (1980) 126-43.

CHAPTER TWO

INDIRECT AGENCY IN ROMAN LAW

A. Introduction

In the social and economic context of the mid-Republican period, it is likely that many people engaging in economic activities were not always able or willing to be personally, or even physically, involved in the transactions that the pursuit of their interests required them to perform. Admittedly, contracts between absent parties were valid, as long as they were not formal (i.e., made through stipulation). The agreement of the parties to any transaction could be exchanged orally or in a written form through messengers (municii), but this procedure was subject to unpractical delays and left room for misunderstandings. In the absence of reliable means of immediate, long-distance communication, the reliance upon agents capable of negotiating valid contracts on behalf and in the name of their principals was an obvious and most effective way to overcome such difficulties. However, the concept of direct agency, whereby one enters into a legal transaction, the consequences of which will bind or benefit a third party to the exclusion of the agent, was never accepted in Roman private law. It seems that the Romans had devised such a sophisticated and adequate way of circumventing all difficulties arising from the lack of direct agency that the necessity of renouncing deep-rooted, traditional rules of behavior regarding the performance of juristic acts was never regarded as compelling.3

The ban of direct agency in Roman civil law rests upon the twofold principle that (a) the parties to a contract must have an interest in that contract; and (b) a contract can have no legal effect upon anybody but the parties to the contract (privacy of contract).4 This principle can be illustrated with several situations. By the beginning of the first century B.C., Q. Mucius Scaevola remarks that "no one can legally bind someone else through compact, arrangement, or covenant."5 Thus, an extraneous agent negotiating a contract with a third contracting party could not bind his principal. Conversely, an extraneous agent could not negotiate a contract with a third contracting party, the effect of which would benefit his principal only, because stipulations and promises on behalf of third parties were considered void.6 By the late first century A.D., if an extraneous agent gave some money—his own or his principal's—to a third contracting party as a loan (mutuum) or as an unjustified payment (indebitum solutum) in the name of his principal, the latter had a claim (condictio) over this money.7 But an extraneous agent could

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5 Q. Mucius Scaevola (sing. Scaev.) Dig. 50.17.5.3: "Nec paciscendo nec legem dicendo nec stipulando quia quum alii caverne potest." Cf. M. Kasner, RP I (1971) 263 and 527. The beginning of the passage has been considered interpolated; cf. R. Monier, Manuel II (1948) 85, n. 3, following G. Corinli, “Explication historique de la règle altis stipulare nemo potest,” Studi Riconiav I (Palermo 1936) 241-58, esp. 250-51. A. Claus, Genutikte Stellvertretung im römischen Privatrecht (Berlin 1978) 94-97, and 102-99 thinks that Q. Mucius's rule either put an end to a more liberal situation, or prevented the evolution toward one, which triggered a reaction on the part of the praetor with the creation of the actions adiectivae quasitatis (cf. below).
7 Ulpianus (26 ad ed.), citing Iulianus and Aristo, Dig. 12.1.9.8: “Si nummos
not request from his principal’s debtor that he fulfill his obligation towards the principal without the latter’s authorization, the idea being that it was not necessarily in the best interest of the principal/creditor to lose his claim through settlement. On the other hand, by the middle of the second century A.D., it had become possible for an extraneous agent to discharge the principal’s obligation toward his creditor even without his knowledge and against his will, for instance by paying his debts, the rule being that an extraneous agent could always better, but not worsen, the economic condition of his principal.

In accordance with an old principle recorded by Gaius, the Romans could not acquire ownership or possession through an extraneous agent. Exceptions to this rule appeared as early as the Republican period, as Servius Sulpicius Rufus writes that purchases made by freedmen mandated by their patron belonged automatically and immediately to the latter. At the end of the first century A.D.,

Prosperi also reports that acquisition of possession and ownership through procuratores or guardians was valid. A century later, the reform was completed and all extraneous agents could acquire possession for their principal, even though the latter was unaware of it. By the same time, procuratores and mandataries could also receive valid payments from the debtors of their principals. Considering how reluctant the Romans were to allow principals to benefit directly and exclusively from contracts negotiated by extraneous agents, it goes without saying that extraneous agents could not validly transfer their principals’ property without their explicit and specific authorization, and only through formal conveyance.

The situation was different when the agent was a dependent of the principal (mater/paterfamilias). Dependents include (a) wives in manu; (b) sons and daughters in potestate, and their descendants, unless they had been emancipated; (c) all those who belonged to the category “in mancipio”, such as filifamilias transferred into the power of another person; and (d) male and female slaves, either


13 Neratius (6 reg.) Dig. 41.1.13 pr.: “Si procurator rem mihi emerit ex mandato meo eique sit tradita meo nomine, dominium mihi... adquiritur etiam ignaranti: (1) et tutor pupillae pupillae similiter ut procurator,” and idem (7 membr.) Dig. 41.3.41: “...quamvis per procuratorem possessionem apicis nos iam fere conveniens...” Cf. M. Kaeser, RP F (1971) 399, and idem, ZRG 91 (1974) 193-96.

14 Cod. Inst. 7.32.1 (A.D. 196): “Per liberam personam ignarantii quoque adquiri possessionem et, postquam scientia intervenit, usucapionis conditionem inchoari posse tam ratione utilitatis quam iuris pridem receptum est.” Modestinus (14 ad Q. Mariam) Dig. 41.1.33: “Ea quae civiliter adquiruntur per eos, qui in potestate nostra sunt, adquirimur, veluti stipulationem: quod naturaliter adquiritur, siuit est possessori, quemlibet voluit nos possidere adquirimur.” In the middle of the second century, there was still a lack of agreement on that issue, cf. Gaii, Inst. 2.95; M. Kaeser, RP F (1971) 392-95; and J. Plessia, Lobes 30 (1984) 175. According to M. Kaeser (Romantia 9 [1970] 340), the concept of agency is more acceptable in the context of acquisition of possession than in the context of acquisition of ownership because possession is a fact, not a legal claim.

15 Ulpianus (30 ad Sub.) Dig. 46.3.12 pr. Cf. R. Monier, Manual II (1948) 219; and M. Kaeser, RP F (1971) 657.

16 Gaius (2 reg. cott. size aureus) Dig. 41.1.9.4 ( - Inst. 2,1.42); Cod. Inst. 2,12(13).16 (259); A. Burdeni, Autorizzazione ad alienare in diritto romano (Turin 1950); M. Kaeser, Romanitas 9 (1970) 341-42; idem, RP F (1971) 267, esp. n. 59; and idem, ZRG 91 (1974) 198-202.


18 Ulpianas (29 ad ed.) Dig. 14.1.1.21: “In potestate autem acipitrem utrisque sexus vel filios vel fillas vel servos vel servas.”
owned or held in legitimate possession and in usufruct. Dependent
ents were normally deprived of property rights, and, except for
sons, of juristic personality. Consequently, dependents could not
oblige themselves toward their master/paterfamilias, nor toward
any other person, but they could acquire property through formal
conveyance (mancipatio), will, and through informal procedures
(occupatio, possessio, traditio) for the sole benefit of their paterfamilias.
Thus, it appears that the lack of the concept of direct agency in
Roman civil law was partly compensated by two prominent features
of Roman society, the institution of slavery and the existence of a
tightly-knit family, within which only the paterfamilias enjoyed a
complete juristic personality and unrestricted property rights.
Acquisitions through a slave or a family member on behalf of the pater-

20 Gai., Inst. 2.86-87: ‘‘Ipse enim, qui in potestate nostra est, nihil suum habe-
bere potest.’’
21 Gai., Inst. 3.104: ‘‘Practerea inutilis est stipulatio, si ab eo stipulari qui iuri meo
subjectis est, item si a me stipulatur. Servus quidem et qui in mancipio est et
filia familiaris et quae in manu est non solum ipsi, cuius iuris subjecti subiectae
sunt, obligari non possunt, sed ne ali quidem ulli.’’ It is interesting to note that
the filiusfamilias is omitted from the list, cf. F. de Zulueta, The Institutes of GS
(Oxford 1946-53) ad loc.; M. Kaser, RP² (1971) 287; 343; and 481; and J. Plescia,
Labo 30 (1984) 173, n. 5, with reference to Gaius (1 ad ed. pros.) Dig. 50.17.107:
‘‘Cum servo nulla actio est.’’ Slaves lacked a legal capacity in civil law, but not in
natural law, cf. Ulpianus (34 ad Sab.) Dig. 50.17.32; and Paulus (11 ad ed.) Dig.
4.5.3.1. In his discussion of ‘‘the development of juristic personality in Roman
law,’’ J. Plescia, Studi Senofillesi I (1982) 487-524, points out (496-97) that the
system developed over three periods (statutory – edictal/jurisprudential – statutory)
‘‘from a law of property where the dependent is dead at law to a law of obligation
where the dependent becomes a party to a contractual relation.’’
22 Gai., Inst. 3.104, with the exception of natural obligations; cf. Ulpianus (7
disp.) Dig. 44.7.14; and Tryphoninus (7 disp.) Dig. 12.6.64. Cf. also Pomponius
(13 ad Sab. Dig.) 44.7.7: ‘‘Actiones adversus patrem filio praecuncti non possunt,
dum in potestate eius est filius,’’ Paulus (13 guestr.) Dig. 46.1.56.1; and M. Kaser,
RP² (1971) 343, esp. n. 20; and 481, n. 24.
23 Gai., Inst. 1.52: ‘‘Quodcumque per servum acquiritur, id domino acquiri-
ritur,’’ and 3.163: ‘‘Admonendi sumus adquiri nobis non solum per nossem ipsos,
sed etiam per eas personas qua in potestate manu mancipiavise sunt.’’ Cf. also
Gai., Inst. 2. 86-96 and 3.167; and idem (11 ad ed. pros.) Dig. 41.1.32: ‘‘Etim
inclusus est ubi per servos acquirit ur paene ex omnibus causis.’’ Ulpianus (2 ad
leg. Iul. et Pap.) Dig. 29.2.79; Paulus (32 ad Sab.) Dig. 41.3.1.2; and J. Plescia,
Labo 30 (1984) 172, who remarks that every dependent acquired ‘‘devolved by
force of the law of accessio (based on patria potestas or dominium), and not of agency,
to the paterfamilias,’’ and 173, n. 6. About the problems raised by the acquisition
of possession through dependents, cf. H. P. Benörker, Der Besitzessetum durch
Grundab-
hängige im klassischen römischen Recht (Berlin 1972) and A. Kirchshornkam, Slaves,

25 Gaius (8 ad ed. pros.) Dig. 50.17.133: ‘‘Melior condicio nostra per servos fieri
potest, deterior fieri non potest.’’ Cf. also Papinianus (8 guestr.) Dig. 46.3.94.3.
26 Ulpianus (57 disp.) Dig. 21.2.39.1; Ulpianus (17 ad ed.) Dig. 6.1.41.1; Paulus
(29 ad ed.) Dig. 13.7.20 pr.; Cod. Inst. 2.12(15).16 (293); M. Kaser, RP² (1971)
Slaves could never transfer property through mancipatio or in tue cesso, cf. H.
Ankum, ‘‘Mancipatio by Slaves in Classical Roman Law?’’ Acta Turcica (1976) 1-18;
and above, Chapter One.
was additional to that of the agent. In the formula, the name of agent appeared in the *intentio* ("si paret...") and the name of the principal in the *condemnation*.

Before examining the history of the *actiones adiectivae qualitatis*—i.e. how early, under which circumstances, and in which chronological order the praetor included in his *Edict* the promise of a grant of legal remedies through which third contracting parties would get redress from principals made liable for the transactions performed by their agents—it is necessary to describe how these legal remedies were used in the classical period (second/third century A.D.), as shown by Gaius in his *Institutes* (written ca. A.D. 161), by Pseudo-Paulus in the *Sententiae* (late third century), and by several classical jurists, from Servius Sulpicius Rufus (1 B.C.) to Hermogenianus (late III), whose works were excerpted in Iustinianus's *Digest*.

The purpose of this chapter is to show how the law was adjusted to accommodate the needs of the business community. The large quantity of primary sources makes a thorough discussion of the textual basis unfeasible. Consequently, text criticism is limited to the bare minimum. Besides, it is one of the main contentions of this book that apparent oddities and inconsistencies of the law should be examined and explained in reference to the social and economic context in which it developed instead of being dismissed as the result of post-classical interpolations.

**B. Relationship between Third Contracting Party and Principal/Agent (*Actiones Adiectivae Qualitatis*)**

In spite of the lack of direct agency in Roman civil law, people employed not only their dependents, but also free mandataries and hired employees, to perform business transactions on an occasional or permanent basis. Cicero, for instance, often alludes to extraneous agents (*liberti, procuratores*) working side-by-side with dependents (*familia* or wealthy businessmen, such as A. Trebonius, L. Lamia, and L. Brutius, known to have had important commercial interests in the provinces. Business was carried out according to a triangular pattern, involving a principal, his agent (and/or subagent), and a third contracting party. The nature of the legal relationship between principal and agent will be examined later on. In this section, I will focus on the position of third contracting parties towards principal and agent.

When an agent had negotiated a contract with a third contracting party, both parties to the contract were entitled to, and obligated by, the terms of the contract. When the parties could not agree on a particular point or when one of the parties unilaterally withdrew from the agreement (breach of contract), a settlement had to be reached through litigation in court. In the formulary procedure (probably introduced by the third quarter of the second century B.C.), the plaintiff had first to obtain the appropriate legal remedy (*actio*) from a magistrate, on the basis of which an arbitrator (*iusdictor*) had to make a decision by condemning or acquitting the defendant. The type of remedy was determined by the nature of the contract from which the obligation arose: for instance, litigation about a contract of sale was conducted through an *actio emplio ic venditi*.

In the time of Plautus and Cato, i.e. before the introduction of the praetorian remedies known as *actiones adiectivae qualitatis* and described below, the legal position of the parties was defined by Roman civil law (*ius civile*). Let us envisage at first the case where the third contracting party was the plaintiff and tried to obtain the fulfillment of the obligation through threat of a lawsuit, or redress in the form of a monetary compensation through litigation. If the agent was a slave, a wife- or daughter-in-power, or a person in *mancipio*, she could not act as a defendant, nor make his/her master/paterfamilias liable for any contractual obligation resulting from his/her transactions. Consequently, the third contracting party had no one to sue and was left with no legal means to get redress from the other party,
agent or principal, with whom he had negotiated a contract. If the agent was a son-in-power (filiusfamilias), he could act as a defendant, 31 but once condemned, he was not exposed to the execution of the judgement (missio in bona and venditio honorum). 32 because dependents were incapable of ownership. Until the time of Augustus, who granted limited property rights (peculium castrense) to sons-in-power enrolled in the army, the third contracting party was left with an unenforceable remedy. In both cases, it was irrelevant whether the principal was the agent’s master/paterfamilias or an outsider. If the agent was a free man, the third contracting party had to sue him directly and ignore his status of agent. If the defendant, once condemned, refused to comply with the arbitrator’s decision, the plaintiff could proceed with the execution on the property of the defendant. Practically, however, the guarantees offered by agents of low social and economic status—who, as agents, needed to have no assets of their own—might have been out of proportion with the type of transactions they were performing on behalf of wealthier, more powerful principals. Thus, the proceeds of the execution on the agent’s property were likely to be much lower than the amount of the debt. Consequently, the plaintiff was left with insufficient compensation. Because of the rigidity of the legal system, lower-class agents were likely to be seen as less reliable business partners than independent businessmen, who were usually endowed with some assets of their own.

Conversely, the third contracting party could be in the position of defendant. If the agent was a dependent—the principal’s or someone else’s—the legal remedy arising from the contract he had negotiated automatically belonged to his master/paterfamilias. 33 The latter had to act as plaintiff if he was also the agent’s principal, but was expected, though not bound, to transfer the remedy to the principal if the dependent agent was employed by an outsider. By contrast, free extraneous agents could act as plaintiffs, and the remedy arising from the contract belonged to them only, to the exclusion of the principal, who, from a legal point of view, had no influence upon the outcome of the judicial process and the execution of the judgement. When the principal’s social status or economic power was significantly higher than the extraneous agent’s, it would have been advantageous for the plaintiffs (both principal and agent) to benefit from the principal’s economic and social clout.

To sum up, a few drawbacks were attached to indirect agency in Roman civil law at the time of the development of the formulary procedure. Principals could not sue third contracting parties on account of the contracts negotiated by their extraneous agents. Principals could of course sue their free extraneous agents or the masters/paterfamilias of their dependent extraneous agents on the basis of the contractual relationship established between them (mandatum, locatio conductio, negotium gestum), but it is only in the middle of the second century A.D. that they became entitled to an actio utilis to sue directly third contracting parties on account of the contracts negotiated by their extraneous agents. 34 It is likely that this development occurred first in the context of the actio exercitioria, since Ulpianus reports that the prefects in charge of the food supply and the provincial governors granted shipper’s a remedy derived from the contracts negotiated by their agents and enforceable through extraordinary procedure. 35

A more significant problem consisted in that third contracting parties could not sue the principals on account of the contracts negotiated by agents, either dependent or extraneous. In order to correct this situation, the praetor decided to provide third contracting parties with a set of legal remedies by which the claims derived from the contracts could be effectively enforced against both agent

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31 Gaius (3 ad ed. prov.) Dig. 44.7.3: “Filius familias ex omnibus causis tamquam pater familias obigitur et id ad aem tamquam cum pater familias potest.” Cf. also Ulpianus (41 ad Sat.) Dig. 5.1.57; and M. Kaser, RZ (1966) 149, n. 12 and RP21 (1971) 343, n. 17.

32 M. Kaser, RZ (1966) 149, n. 13; and 301-12.

33 There were exceptions to the rule that filiusfamilias were incapable of acting as plaintiffs in litigation, cf. Ulpianus (17 ad ed.), following Julianus and Marcellus, Dig. 16.3.19; idem (43 ad ed.), following Julianus, Dig. 5.1.18.1; idem (57 ad ed.) Dig. 47.10.17.10; idem (71 ad ed.), quoting Labeo, Dig. 43.24.13.1 (etp.); Paulus (9 ad Sub.), following Julianus, Dig. 44.7.9; and M. Kaser, RZ (1966) 148-99.

34 Ulpianus (36 ad ed.), citing Julianus, Dig. 26.7.9 pr.; Ulpianus (28 ad ed.), quoting Marcellus, Dig. 14.5.1; Gaius (9 ad ed. prov.) Dig. 14.5.2; Ulpianus (52 ad ed.), quoting Papinianus (3 resp.), Dig. 19.1.43.25; Ulpianus (28 ad ed.) Dig. 14.1.1.18; Paulus (48 ad ed.) Dig. 45.5.5; A. Watson (1961) 80-81; M. Kaser, RP2 (1971) 263, nn. 28-30; 266-67, n. 51; 588, n. 13; and 605-06, n. 2.

35 This legal privilege was meant as an incentive for shippers, whose role in the food supply of Rome and of the army was essential. Other fiscal privileges, such as immunity from local compulsory services, were introduced for the same purpose; cf. Scaevola (1 and 3 reg.) Dig. 50.4.5 and 50.5.3; and Callistrius (1 de cogn. Dig. 50.6.31-6; cf. R. Duncan-Jones, Structure and Scale in the Roman Economy (Cambridge 1990) 162, n. 23.
and principal.\textsuperscript{36} The principal's interests required that this type of remedy be available only when it was well established that he had commissioned (implying voluntas expressed through iussum or prae-positio), or given his consent (implying patientia and scientia) to, the agent's activity. Short of that, the principal could only be held liable to the extent of his enrichment if it could be established that he had benefited from his agent's transaction, since enrichment to the detriment of others was considered unfair.\textsuperscript{37}

1. *Actio quod iussu*

According to the terms of the praetorian Edict, principals (masters/patresfamilias) who had authorized third contracting parties to do business with their dependents were liable for the whole debt arising from the agent's transaction.\textsuperscript{38} The underlying principle was that whoever made a contract with a dependent in accordance with the principal's will was viewed as making a contract with the principal himself.\textsuperscript{39} Paulus examines the case of a son-in-power who killed his slave after promising iussu patris to convey him to a third party. Pompeius states that the liability of the father was not in doubt, because he became an accessorial debtor by ordering the transaction.\textsuperscript{40}

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\textsuperscript{37} Pompeyus (9 et al. cit. leg.) Dig. 50.17.206: "Iure naturae aequum est nominem cum alterius detrimento et iuria fieri locupletiorem." The substance of the text is classical, cf. M. Kasner, RP F (1971) 221, n. 2; and 594, n. 5.

\textsuperscript{38} The main sources are Gai, Inst. 4.70; Dig. 15.4; Cod. Inst. 4.26; Cod. Thode. 2.311; Inst. Inst. 4.7. Cf. also G. and M. Sautel, "Note sur l'action quod iussu et ses destinées post-classiques," Mélanges H. Lévy-Bruhl (Paris 1959) 257-67.

\textsuperscript{39} Gai, Inst. 4.70; and Ulpianus (29 ad ed.) Dig. 15.4.1 pr.

\textsuperscript{40} Paulus (17 ad Plaut.) Dig. 45.19.5: "An filius famulis, qui iussu patris pro-missit, occidendo servum producere patris obligationem, videndum est. Pompeius producere putat, scilicet quasi accensionem intellegens cum qui iubuit." The end ("scilicet . . .") is probably interpolated. Cf. R. Knittel, "Die Haftung für Hülfspersonen im römischen Recht," ZRG 100 (1983) 340-443, esp. 373, n. 139.

The principal's authorization, which was meant either for a specific transaction or on a general basis, could be given by will, by letter, orally, or through a messenger.\textsuperscript{41} In contrast to a prae-positio, a iussum could be directed at a single transaction.\textsuperscript{42} It is not entirely clear whether the authorization was aimed at the third contracting party rather than at the agent, but it seems likely that a certain amount of publicity was required for the rule to have any meaning.\textsuperscript{43} The authorization could be expressed in various legal forms, from a simple subscriptio on a document drafted by the agent (chirographum) to the ratification of the agent's transaction (ratihabitus) by the principal, or to a contract of mandate.\textsuperscript{44} Since the agent could not make a contract of mandate with his master/paterfamilias, it seems that this text bolsters the suggestion made above that the principal's authorization was addressed to the third contracting party. A iussum differed from a mandate in that the former was neither contractual nor consensual.\textsuperscript{45} Iussum and mandate were similar in that they had to be fulfilled precisely. Paulus says that if a master had instructed ("praecipitavit") his slave to proceed with a sale under certain conditions (e.g., imposing a certain price) the sale was void if these conditions were not respected—making the position of the master worse...

\textsuperscript{41} Ulpianus (29 ad ed.) Dig. 15.4.1.1: 'Iussum autem accipientium est, sive testato quiz sicpe per epistulam sive verbis aut per nuntium, sive specialiter in uno contractu iussuerit sive generaliter et ideo et sic contestatus sit: Quod voles cum Sticho servo meo negotium gere periculo meo' videtur ad omnia iussasse.'


\textsuperscript{43} A. Steinwender, PW 10 (1919) 1306-8, s.v. iussum, esp. 1307. He concludes that the iussum was addressed to third contracting parties; cf. also G. and M. Sautel, Mh. Lévy-Bruhl (1959) 258-60. M. Kasner, RP F (Munich 1971) 265 says that it originated in an order addressed to the agent, but later on the author states that the iussum had to be announced in an informal way to the third contracting party (ibid. 608). The wording of Dig. 15.4.3 (Ulpianus, 2 resp.) unambiguously indicates that the iussum was addressed to third contracting parties.

\textsuperscript{44} Ulpianus (29 ad ed.) Dig. 15.4.1.3, 4, and 6.

\textsuperscript{45} A. Watson (1961) 137 and 140-41, citing S. Solazzi, *L'estinzione dell'obbligazione nel diritto romano* (Naples 1935) 74, remarks that "the iussum of a creditor to the debtor (Paulus [2 man.] Dig. 46.3.108) is a unilateral declaration, not a mandate, and one cannot talk of a mandate where there is no shadow of a contract." Further, Watson shows (151) that the passage has been interpolated and deals with delegatio. Cf. also Gai, Inst. 180 (about Paulus [67 ad ed.] Dig. 43.24.6), where the subnomen iussus of the one entrusted by the mandatory with the completion of the initial contract between mandator and mandata is not bound toward the mandator ("Si ego tibi mandavero opus novum facere, tu ali, non potes videri meus iussu factum").
and the master was entitled to claim the sold thing through a vindicatio.\textsuperscript{46}

A special case concerns the liability of a city official (magistrate or curat?) or public servant on account of the contracts made with his authorization by a public slave.\textsuperscript{47} Although magistrates and commissioners (curatores) were direct agents of the state or a municipality, they carried out their administrative duties through public slaves, whose transactions made them personally liable. As M. Rostovzeff suggests, it is probable that this was the result of a second-century development, whereby a transition was effected "from the principle of collective responsibility to that of individual liability."\textsuperscript{48}

The actio quod iussu, like the actiones de peculo and de in rem verso, was available only when the agent was a dependent of the principal, i.e. a non-contractual agent.\textsuperscript{49} In this sense, these three remedies were more restricted than the actiones institoria and exercitoria, which were available—at least in the classical period—to third contracting parties contracting with extraneous agents. On the other hand, the actio quod iussu was similar to the actiones institoriae and exercitoriae in that the liability of the principal was unlimited (in solidum).

2. Actio institoria

The actio institoria\textsuperscript{50} was based on the idea that principals who benefited from the transactions of their dependent business managers should also incur liabilities arising from them.\textsuperscript{51} According to the terms of the praetorian Edict, the principal who had appointed an agent (institor) to run his business expected him to negotiate contracts with customers, suppliers, and contractors, in a specifically designated place (estate, workshop, store, or any other facility) or elsewhere,\textsuperscript{52} and accepted full liability for the transactions performed by his agent on the basis, and within the scope, of his appointment (praepositis).\textsuperscript{53} Consequently, third contracting parties were given a legal remedy against either the agent or the principal. In the latter case, the formula of the remedy was drafted so that the intentio contained the name of the agent and the condemnation the name of the principal (cf. above).

The appointment was usually performed by the principal, either a man or a woman.\textsuperscript{54} Wards who appointed an agent with the authorization of their guardians were liable in full. Otherwise, their liability was limited to the extent of their enrichment derived from

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\textsuperscript{47} Ulpianus (28 ad ed.) Dig. 14.3.1: "Aequum praetoriium viam est, sicut comoda sentimus ex actu institorum, ita etiam obligari nos ex contractibus ipsorum et conveniendi.


\textsuperscript{49} Ulpianus (28 ad ed.) Dig. 14.3.1: "Aequum praetoriium viam est, sicut comoda sentimus ex actu institorum, ita etiam obligari nos ex contractibus ipsorum et conveniendi.

\textsuperscript{50} The main sources are Gai., Inst. 4.71, with P. Oxy. XVII 2103; Dig. 14.3, 55. The actio exercitoria can be explained by the fact that it is discussed first in Ulpianus's writing Ad editum (Dig. 14.1.1.16), following the order in which they were listed and described in Julianus's Perpetual Edict, cf. below.
the agent’s activity.\textsuperscript{52} 

\textit{Institores} could also be appointed by several principals united in joint ownership or partnership. Julianus, cited by Ulpianus, wonders whether the joint owners of a slave agent should each be held liable (a) in proportion to their share in the slave; or (b) in proportion to their share in the business; or (c) in full. He decides in favor of the full liability of each principal, by analogy with the \textit{actio exercitoria} and with the \textit{actio de peculio}. The owner who had been sued by a third contracting party on the contract of a \textit{servus communis} could in turn sue his fellow principals on the contract of partnership or for division of common property.\textsuperscript{56}

It seems that general agents (\textit{procuratores}), curators, and guardians were also entitled to appoint a business manager on behalf of the principal.\textsuperscript{57} As we will see in Chapter Five, this aspect is most important in public administration, and the passage should not be rejected as interpolated. Ulpianus thinks that such an appointment, once ratified by the principal, would result in making only the latter liable, but Paulus considers that the \textit{procurator} should bear a joint liability with the principal.\textsuperscript{58} As the (joint) liability of the principal arose from the appointment of an \textit{institor} by the \textit{procurator}, it seems that the classical jurists were flirting with the concept of direct agency.\textsuperscript{59} When a wealthy principal had wide-ranging business interests, it is unlikely that he had time to appoint all his agents himself. Trimalchio’s surprise while hearing that he owned some property near or in Pompeii—or formerly belonging to one Pompeius—implies that the \textit{vilicus} who managed the property was unknown to him.\textsuperscript{60}

The story was meant as a joke about Trimalchio’s pretentious attitude toward the daily management of his huge properties, but it indicates that it was probably common for low-level managers to be appointed by a general agent (\textit{procurator}).

An agent could also appoint a subagent, provided that the (sub-)appointment was not in contradiction with the terms of the \textit{praeposito} and that the principal knew it, and consented to it. Julianus accepts the principle of the full liability of the principal, provided that he was aware of, and did not object to, the appointment of the subagent. Ulpianus goes even further, and accepts the full liability of the principal when the (sub-)appointment has been made without his knowledge and in spite of his opposition. Ulpianus admits that Julianus’s and his interpretations are more acceptable in the context of the operation of a ship, as Roman classical law was favorable to the shipping industry because of its role in the food supply of the city of Rome. The situation of the principal whose dependent had appointed an \textit{institor} was slightly different. In this case, the principal’s liability was full if the dependent was following his instruction (\textit{voluntas}), and limited to the amount of the dependent’s \textit{peculium} if the dependent was acting on his own initiative. An action for distribution of the \textit{peculium} was reserved when the principal was aware of his dependent’s activity.\textsuperscript{61}

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\textsuperscript{52} Petron., Sat. 53.5.
\textsuperscript{53} Ulpianus (28 ad ed.) Dig. 14.1.1.5: “Magistrorum autem accipium non solum, quem exercitor praeposuit, sed et eum, quem magister… Et facilius hoc in magistro quam institore admittendum propter utilitatem” (the last sentence refers only to Ulpianus’s opinion that, in the context of the operation of a ship, not only the principal’s \textit{voluntas}, but also his \textit{scientia} and \textit{patentia}, and even his \textit{ignomina} concerning the (sub-)appointment provide a sufficient basis for his full liability) and 14.1.1.19-20: “At institorum non idem usus est: ea propter in tribunatu dumtaxat vocavit, qui contra eum cum eo, qui in merce peculiari sciens domino negotiatur,” (here again the difference between \textit{actio institoria} and \textit{actio exercitoria} consists in a more subtle distinction between levels of liability in the context of the operation of a land-based business). Cf. below. Both passages have been considered non-classical by modern scholars, cf. S. Solazzi, \textit{Scritti di diritto romano IV} (Naples 1963) 246-47; and F. de Martino (1982) [1941] 155-57 and (1958) 175-80; and F. Serrao, \textit{Enciclopedia del diritto} 21 (1971) 829, n. 7; against G. Pugliese, “In tema di actio exercitoria,” \textit{Lube} 3 (1957) 308-43, esp. 312-16; S.E. Wunner, \textit{Contractus. Sein Wortgebrauch und Willensgehalt im klassischen römischen Recht} (Cologne/Graz 1964) 123-31; and P. Garney, “Independent Freedmen and the Economy of Roman Italy under the Principate,” \textit{Kite} 63 (1981) 395-71, esp. 365. Even though the texts as they stand contain some spurious elements, I see no reason to reject their substance and therefore choose to side with Pugliese and Garney; cf. my paper on workshop managers. There is no doubt, in my opinion, that the question
A business manager could be either slave or free, *sui iuris or alieni iuris*, male or female, adult or minor, or even a ward. Interestsingly, Gaius reports that it was quite common to employ boys and girls as business managers. A change in status on the part of the institor, through manumission or emancipation, had no necessary effect on the position and liability of the principal toward third contracting parties. The nature of the legal relationship, either (quasi-) contractual or non-contractual, between principal and agent was irrelevant. So was the legal relationship between third contracting party and agent. Thus, the institor could be the slave of the third contracting party (for instance, a vicarius rented out by a dispensator or any slave with peculium), without impairing the validity of contracts concluded between them. However, the classical jurists were aware of the irregular character of a transaction between a dominus and his own slave, and considered granting the master an actio utili against the principal. When the institor was a serus alienus, the third contracting party had the option to sue either the principal or the master. Of course, the second option was not available if the third contracting party was the master of the institor. The remedy was given in consideration of the fact that it was usually possible to identify the status and standing of the business manager in charge of a shop, but this was admittedly more difficult in the case of a shipmaster.

A principal could appoint several institores to the head of a single shop. Papinianus mentions the case of the owner of a taberna purpuraria who bequeathed it to his son with all the managers and dyestuff in the store at the time of his death. Scaevola, speaking of the staff and equipment of a wine cellar, refers to its managers in the plural, and Ulpius, citing Sabinus’s *Ad Vitellium*, lists *vicii* and *monitores* as managers of an agricultural estate. There is no doubt that this situation existed already in the early history of the *actio institoria*, since the Roman jurist Servius Sulcicius Rufus writes that the staff of an inn is composed of several managers and one female cook. The principal could indicate in the lex praepositionis whether third contracting parties had to negotiate their contracts with all managers together, or whether they could validly deal with one of them.

When a transaction carried out by an institor gave rise to litigation, the principal had to defend where the transaction was performed. Labeo mentions the case of a provincial businessman who had set up his institor in Rome to sell his merchandise, and says that any suit

tecum ex hoc edicto vel cum Titio ex inferioribus edictis agere poeto. Sed si tu cum eo contrahi vetuisti, cum Titio dumtaxat agi poterit. Inferiora edicta refers to the actio quod inas, actio de in rem verse, actio de praelato, and actio tributaria.

Ulpius (28 ad ed.) Dig. 14.11.1 pr.: "Aequum fuit eum, qui magistrum navi imposuit, tenei, ut tentetur, qui instiorem tabernae vel negotii praeposuit, cum sit maior necessitas contrahendi cum magistro quam cum institore. Quique res patiatur, ut de condicione quis institoris disipiat et si contrahat: in navis magistro non nata, nam interdum locum tempus non patitur pleni deliberen consiliuam."

Papinianus (7 resp.) Dig. 32.9.1.2.: "Pater filio tabernam purpuraram cum servis instiotoribus et purpuris, quae in diem mortis eius ibi fuerant, legavit."

Scaevola (22 dig.) Dig. 33.7.7.: "...item horreum vinarium cum vino et vasibus et instrumento et instiotoribus, quos secum habebant consueverat."

Ulpius (20 ad Seb.) Dig. 33.7.8 pr.: "In instrumento fundi ea esse, quae fructus quaerendi... gratia parata sunt... veluti homines qui agrum colunt, et qui eos exercitum praeposuit sunt is, quorum in numero sunt vicii et monitores..."

Pomponius (6 ad Seb.), citing Servius, Dig. 33.7.15 pr.: "...et in cauponio instiotoribus et foris..."

Ulpius (28 ad ed.) Dig. 14.3.11.5: "Item si pluribus habuit instiotoribus vel cum omnibus simul contrahi voluit vel cum uno solo." Cf. Dig. 14.1.1.13., below.
will have to be brought in Rome. A recently published document from the Agro Murecine in Pompeii shows that the procedure was sometimes more complicated. A businessman, C. Iulius Prudens, whose slaves Hyginus and Hermes had taken out a loan in Puteoli in A.D. 55, was sued by the moneylender C. Sulpicius Cinnamus. The case was first brought before a local magistrate, one of the duumviri of the colony, who proceeded with an interrogatio in iure and ordered (by denuntiatio) the defendant/principal to produce (exhibito) his slaves before of an arbitrator (iudex) in Rome to verify the legal relationship (potestas) between principal and agents. The point was probably to verify the existence and scope of the praeposito in order to establish the extent of the principal's liability. The legal consequences of the appointment outlived both principal and agent. Contracts negotiated by an insector after his principal's death were valid, and third contracting parties could sue the principal's heir. The remedy was perpetual and could be either enforced against the principal's heir or transmitted to the third contracting party's heir.

3. Actio exerctoria

According to the terms of the praetorician Edict, the principal/shepperd (exerctor) who had appointed an agent/shipmaster (magister naves) to be in charge of a ship was fully liable for the transactions performed by his agent. The ship could be of any size and operate on the sea, on a lake, or on a river. It was not necessary for the shipper to be the owner of the ship. The legal remedy given to third contracting parties against the shipper was called actio exerctoria and was similar in many ways to the actio insititoria, which explains why Ulpianus describes the actio exerctoria in reference to the actio insititoria. The same author remarks that there was a higher necessity to give third contracting parties a legal remedy against the principal of a shipmaster than against the principal of a business manager (istrator), because business transactions performed with a shipmaster, usually in overseas locations, could not be postponed long enough to await verification of his status and standing.

The appointment of the shipmaster (magister naves) constituted the basis of the liability of the shipper (exerctor). The purpose of the appointment usually consisted in transporting goods or passengers for a fixed or negotiated fare/freight, but the contractual arrangement between shipmaster and third contracting parties could take various forms. Other transactions by the shipmaster engaged the liability of the shipper, for instance the purchase of equipment necessary for running the ship, such as rigging, sails, and oars, and of material for repairing it. All obligations incurred in connection with repairs of the ship or maintenance of the crew gave rise to an actio exerctoria, because these tasks belonged to the sphere of competence of the shipmaster. By contrast, third contracting parties would have no

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76 Ulpianus (28 ad ed.), Dig. 14.3.5.17; and Paulus (30 ad ed.), cit. Pompusius, Dig. 14.3.17.3.

77 Ulpianus (28 ad ed.), Dig. 14.3.15: “Novissime sciemuri est haec actiones perpetuo dari et in heredem et heredis.”


80 Ulpianus (28 ad ed.), Dig. 14.1.1 fr.: “Utilitatem huius editi patrce nemo est qui ignoerit. Nam cum interdum ignari, cuibus sinit conditionis vel quarves, cum magistrus proper navigandi necessitatem contrahamus, aequum fuit illum, qui magistrum non reputauit, tenui, ut tenetur, qui in aequo tabernae vel negoio praeposuit, cum sit maior necessitas contrahendi cum magistro quam insectori. . . .” In spite of the initial laudatio editi and the references to necessitatis and utilitas, the passage is genuine, cf. G. Longo, Studi Scherillo II (1972) 584-86. On the independent origin and similarities of both remedies, cf. below.

81 Ulpianus (28 ad ed.), Dig. 14.1.1.3; and Africanus (8 genet.) Dig. 14.1.7.
remedy against the shipper if the shipmaster had borrowed money for any purpose independent from the operation of the ship.\(^{82}\) Africanus even requires from moneylenders that they check that the ship actually needed repairs and that the sum borrowed did not exceed their estimated cost.\(^{83}\) Failure to do so would have had the effect to rescind the liability of the shipper. However, the moneylender did not have to make sure that the loan was eventually spent on the declared project.

Ulpianus specifies that the status and age of the shipmaster had no bearing on the shipper’s liability.\(^{84}\) According to the same author, third contracting parties had the option of suing either the principal or the agent (cf. below), which implies that by the third century A.D. shipmasters were often of free status (ingenii or liberti) and independent condition (sui turis).\(^{85}\)

The same lack of restriction concerning status is attested with regard to the shipper, who could be male or female, dependent or independent, free or slave.\(^{86}\) There were cases where the shipper was himself an insititor or an agent with peculium. Thus, the shipper was identified only as the one who reaped the profits from the management of the ship.\(^{87}\)

The shipmaster was entitled to appoint a dependent or an outsider as subagent, whose transactions rendered the principal liable, as long as the latter did not explicitly forbid the appointment.\(^{88}\) S. Solazz, among others, rejects the whole concept of appointment of subagents as post-classical, on the ground that if Iulianus denies the liability of the exercitor unaware of the fact that the magister navis had appointed a substitute, he cannot accept it in the absence of, or against, the principal’s will.\(^{89}\) The text of Dig. 14.1.1.5 does not say that Iulianus rejects the principle of the liability of the shipper ignorant, and Solazzi’s arguments still do not preclude the validity of a (sub-) appointment made in accordance with the will (voluntas) of the shipper. Consequently, there is no reason not to admit the validity of a (sub-)appointment made by the shipmaster with the shipper’s knowledge and consent (scientia et patientia), and even without his knowledge (ignorantia).\(^{90}\)

A similar case occurred when the shipper (exercitor) was himself someone else’s dependent. The shipmaster was then in the position of subagent and third contracting parties could sue the shipper’s principal on account of the transactions performed by either the shipper or the shipmaster, provided that the principal had commissioned the shipper’s involvement in seaborne activities.\(^{91}\) If the shipper’s principal had not expressed the willingness to have his dependent operate a ship, the shipmaster was acting within the scope

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82 Ulpianus (28 ad ed.) Dig. 14.1.1.7-12, citing Offilius (second half of first century B.C.), Pegasus, and Pedius (both active in the second half of the first century A.D.). The text is not exempt from interpellations, cf. F. de Martino (1982) [1941] 145-48; and A. Watson, The Law of Obligations in the Later Roman Republic (Oxford 1965) 150-51. However, the substance of the text seems to be preserved.

83 Africanus (8 quest.) Dig. 14.1.7 fr.

84 Ulpianus (28 ad ed.) Dig. 14.1.1.4.

85 Ulpianus (28 ad ed.) Dig. 14.1.1.17. About the extension of the actions insititoria and exercitoria to cases involving agents independent from the principal, cf. below.

86 Ulpianus (28 ad ed.) Dig. 14.1.1.15-16.

87 Ulpianus (28 ad ed.) Dig. 14.1.1.15: “Exercitorem autem eum dicimus, ad quem obviationes et reditus omnes perveniant.” Cf. also Inst. Iust. 4.7.2.


90 R. Knütel, “Die Haftung für Hilfspersonen im römischen Recht,” ZRG 100 (1983) 340-443, esp. 437, n. 415 uses this passage to show that Iulianus acknowledges that in some cases equity calls for transgression of the rule “nee factum servit dormine obesse debebite nisi hactenus ut ipso careat” (Paulus [6 ad ed.] quoting Sabinus, Dig. 2.10.2).

of his own appointment by the shipper; no reference could be made to the shipper’s own appointment by the principal, because appointment and will (voluntas) go hand in hand, and the former could not exist without the latter. Third contracting parties therefore could sue the principal only to the extent of the shipper’s peculium. Ulpius, following Pomponius, states that it would be unfair to equate mere knowledge (nuda scientia) on the part of the principal with will (voluntas), but still refrains from granting a remedy for distribution of the dependent’s peculium (a. tributoria), as would be expected in the context of the operation of a land based business.\(^{92}\) By contrast, Paulus treats both cases alike. When the principal’s will was lacking, third contracting parties could sue him for distribution, provided that he was aware of his dependent’s activity. Otherwise, third contracting parties had to sue the principal de peculio.\(^{93}\) Finally, if the shipmaster belonged to the peculium of the dependent shipper, the shipper’s principal was not liable in full, unless he had also commissioned the operation of the ship.\(^{94}\)

The principal could appoint several shipmasters to a single ship. Each of these shipmasters was entitled to conduct the same range of business transactions, unless the principal advised otherwise and arranged for a division of responsibilities. The advantage of having several agents in charge of the same ship consisted in reducing the risk of embezzlement on the part of a single agent by having all agents check on each other. Ulpius reports that the terms of the appointment often specified that contracts would be valid only if the shipmasters were all present.\(^{95}\)

Conversely, a shipmaster could be appointed by several shippers bound in a partnership or as joint owners.\(^{96}\) Each shipper was personally liable in full and could be sued separately by third contracting parties.\(^{97}\) After discharging the whole debt derived from the shipmaster’s contract, the shipper could sue his partner(s) or joint owner(s) with the actio pro socio or communi dividendo.\(^{98}\) If the third contracting party was the owner of a slave hired out to a shipper and appointed shipmaster, he could sue the shipper on any contract negotiated with the slave.\(^{99}\)

Third contracting parties could sue either the principal with the actio exertoria, or the agent with the remedy derived from the contract. For instance, if a shipmaster had operated a ship on a river without the assistance of a pilot and the ship had sunk due to his inability to steer it during a storm, the passengers could sue him on the contract of work (locatio conductio operis), probably by analogy with the Lex Aquilia. Alternatively, they could sue the shipper with the actio exertoria. If their claim against one was unsuccessful, they could not start litigating against the other, because their claim was then extinguished at the moment of the joinder of issue (litis contestatio).\(^{100}\) This rule has one interesting, though somewhat academic, implication: if the shipper was a slave with peculium or insitus servus alienus, his owner could negotiate a contract with the shipmaster, and later sue the shipmaster or the shipper’s principal, but not the shipper, because it would amount to bringing a suit against himself.\(^{101}\)

Like the actio in situatoria, the actio exertoria is perpetual and is not extinguished by the death of either the shipper or the shipmaster.\(^{102}\)

The social and economic context in which the other two legal remedies belonging to the category of the actiones adiutoriae qualitatis were applied will not concern us in this study. In addition, they have

\[^{92}\] Ulpius (28 ad ed.), citing Pomponius, Dig. 14.1.1.20: “Sed si sciente dum taxatet, non etiam velente cum magistro contratatum sit, utrum quasi in voluptatem damnum actionem in solidum an vero exemplo tributoriae dabitum? In re igitur dubia melius est verbis edicti servire et neque scientiam solam et nudam patris dominice in navibus onerare neque in peculibarium mercibus voluntatem extendere ad solidi obligacionem. Et ita videtur et Pomponius significare, si sit in aliena postestate, si quidem voluntate gerat, in solidum cum obligari, si minus, in peculium.” Cf. above.

\[^{93}\] Paulus (6 bres.) Dig. 14.1.6 pr.: “Si servus non voluntate domini navem exerceriet, si sciente co, quasi tributoria, si ignoruante, de peculio actio dabitur?” Idem, Smt. 2.6; and Ulpius (14 ad ed.) Dig. 4.9.3.3 S.E. Wonnacott (1964) 130-31.


\[^{95}\] Ulpius (28 ad ed.) Dig. 14.1.1.15-16: “Si qualecumque cum uno gestum erit, obligabit exercitorem; si divisis, ut alter locando, alter exienddo, pro ciasque officio obligabitur exercitour. 14. Sed et si sic

praecepuit, ut plerumque faciunt, ne alter sine altero quid gerat, qui contractum cum uno sibi imputavit.”

\[^{96}\] Gaius (9 ad ed. prov.) Dig. 14.1.2; Ulpius (28 ad ed.) Dig. 14.1.1.25 and 14.1.4 pr.; Paulus (29 ad ed.) Dig. 14.1.3 and 14.1.8.1.

\[^{97}\] Ulpius (28 ad ed.) Dig. 14.1.1.25, and Gaius (9 ad ed. prov.) Dig. 14.1.2.

\[^{98}\] Paulus (6 bres.) Dig. 14.1.6.1.


\[^{100}\] Ulpius (28 ad ed.) Dig. 14.1.1.17 and 24; and idem (32 ad ed.) Dig. 19.2.13.2. Cf. M. Kascer, RP 17 (1971) 656-59, esp. 638.

\[^{101}\] Paulus (29 ad ed.) Dig. 14.1.5.1.

\[^{102}\] Ulpius (29 [287] ad ed.) Dig. 14.1.4.4.
formed the subjects of some recent, thorough studies. For these reasons, only a superficial description will be offered here for the sake of comparison.

4. Actio de in rem verso

A contract negotiated by a dependent agent acting without specific or general instructions (iussum or praesidio) could benefit his master/paterfamilias without binding him to fulfill the obligations derived from this contract. The benefit taken from the dependent's transaction was similar to unjustified enrichment, 103 and consequently the praetor gave third contracting parties a legal remedy against the principal to the extent of the latter's enrichment, or rather what remained of it at the time of litigation. 104 This remedy, which was perpetual, seems to have been available only when the peculium of the dependent was nonexistent, empty, or insufficient. It was exhausted when the third contracting party had brought an actio de peculio which resulted successfully in the repayment of the benefit taken. 105

The juristic discussion related to this type of remedy focuses on the definition of enrichment. For instance, if a dependent made use of unpaid perfumes and ointments for a funeral that the principal was supposed to hold, the latter was viewed as benefitting from the dependent's activity. 106 Similarly, if a dependent used borrowed money to buy food and ordinary clothes for himself, it represented an enrichment for the principal. 107 Ulpiussum summarizes the rule as followed:

We propose as a general rule to consider that the remedy for benefit taken will be granted whenever a slave makes an expenditure to improve or maintain his master's property, in which case a general agent (procurator) would be entitled to sue on the mandate or a voluntary administrator on account of unauthorized management (negotium gestum). 108

Pomponius, however, says that ratification by the master/paterfamilias of his dependent's transaction was not a necessary condition for the grant of the remedy for benefit taken. 109 Neither was the principal's consent necessary, unless the agent had incurred expenses which the principal was not obliged to pay. 110 Originally, it was irrelevant whether the enrichment was part of the peculium or not. As a result, it was more difficult to determine the existence and extent of any enrichment than that of the peculium. This may explain why in the classical period a judge would grant recovery under the actio de peculio, and only in case of insolvency of the peculium would he consider granting recovery under the actio de in rem verso. 111

5. Actio de peculio

Dependents were incapable of ownership, and consequently litigation arising from their business transactions—provided that they were valid—could at best result in the grant of an unenforceable

103 This point is not securely established, cf. M. Kaser, RP 12 (1971) 592-600, esp. 598, 599 and 600, with reference to H. Niederlander, Die Bereicherungshaftung des klassischen Rechtes (Böhlau 1953) who rejects the view that the liability de in rem verso derives from the gestio by the dependent; cf. B. Nicolas, JRS 44 (1954) 136-37.


105 Ulpiussum (29 ad ed.), citing Labeus, Dig. 15.3.1 pr.-1. It appears on the basis of a couple of passages by Gaius, that the actio de in rem verso and the actio de peculio could be brought separately, and that the versio had priority over the peculium, cf. G. MacCormack, Studi Baccardi II (1982) 302-21; idem, SDHI 48 (1982) 330-31, referring to Gaius, Inst. 4.74a, idem, 9 ad ed. proc., Dig. 14.5.1; and idem, citing Iulianus, Dig. 15.1.27 pr. (ip.)

106 Ulpiussum (29 ad ed.), citing Labeus, Dig. 15.3.7.3.
judgment. Thus, third contracting parties dealing with dependents had no legal protection against either agent or principal until the praetor decided to recognize the juristic existence of fictitious assets (*peculium*) pertaining *de facto* to the dependent, but belonging *de iure* to the principal. Subsequently, third contracting parties were given a legal remedy against the principal, whose liability was limited to a sum equivalent to the value of the dependent’s *peculium* at the time of litigation.112

Dependents, except for sons, were incapable of making valid legal transactions.113 But when the principal, male or female,114 had entrusted his/her dependent, male or female,115 with a *peculium* (*concessio peculii*) together with the right to administer it freely (*concessio liberarum administrationis*),116 it was understood that the principal had given his/her dependent the capacity to make valid legal transac-

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114 Ulpianus (29 ad ed.), perhaps following Labeo, *Dig. 15.1.3.2.* “*Parvi autem reduct, servus quis masculi an mulieris fuerit; nam de peculo et mulier contemnatur.*” This rule applied to the relationship *dominus-seruus,* and not to the relationship *master-slave.*

115 Gaius (9 ad ed. prov.) *Dig. 15.1.27 pr.* (itp., but the substance is genuine); Ulpianus (29 ad ed.) *Dig. 15.1.1.2-3.* “*Verba autem edicti tali sunt: Quod cum eo, qui in alterius potestate esse, negotium gestum erit.* De eo loquantur, non de ea: sed tamen et ob eam quae est feminini sexus dabitur ex hoc edicto actu,*” and idem (29 ad ed.) *Dig. 14.4.5.2.* About the *peculium filiarum* and *peculium aunciarum in manu,* cf. M. Kaser, *RP I* (1971) 329, n. 2; and 330, n. 16, with reference to M. García Garrido, *Lus urariaus. El régimen patrimonial de la mujer casada en derecho romano* (Rome/Madrid 1958) 13 ff. and 22 ff. (non vidi).

116 Ulpianus (29 ad ed.) *Dig. 15.1.7.1.* “*Ego autem puto non esse opus concedi peculium a dominio servum habere, sed non adhibit, ut habeat. Alia causa est peculium liberarum administrationis: nam haec specialiter concedenda est.*” The end might be interpolated, but cf. M. Kaser, *RP I* (1971) 287-88, n. 34. The *libera administration peculi,* first mentioned by Proculus (*7 epist.* *Dig. 46.3.84,* gives a slave the right to dispose of his *peculium.*

117 Paulus (60 ad ed.) *Dig. 15.1.46.*

118 Ulpianus (29 ad ed.), citing Ulpianus, *Dig. 14.6.3.2.*


120 Alfenus Varus (2 dig. a Paulo epist.) *Dig. 46.3.35.*


122 Gaius (9 ad ed. prov.) *Dig. 15.1.29.1.* “*Etiam prohibetur contrahere cum servorum dominus, et in eum de peculio actio,*” and Paulus (*4 ad Plaut.* *Dig. 15.1.47*).
CHAPTER TWO

The extent of the liability of the principal was determined by the size of the peculium at the time of the judicial decision, after deduction of what the agent owed the principal or his dependents. Thus, the principal clearly had an advantage over the agent's other creditors, because he was liable only for what remained in the peculium after deduction of what was owed to him. However, if the principal knew of the type of business activities carried out by his agent and had adopted an attitude of "laissez-faire" (patientia as opposed to voluntas), he became liable to a suit for distribution (actio tributoria) of the stock of the peculium (merx peculii), whereby he was treated as an external creditor. This remedy was given only if the creditors would have obtained less than expected, had they sued the principal on the actio de peculo.124

If the status of the principal or the agent changed—by transfer, manumission, emancipation, or death—or if the grant of a peculium was revoked by the principal, the actio de peculo was valid for one year after that, whereas the other actiones aedicticiae qualitatis were perpetual. After the agent's manumission or emancipation, the peculium was either taken away by the principal or donated to the holder. In the latter case, the rights derived from the administration of the peculium had to be transferred to the holder by his former master/paterfamilias.126

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122 Ulpianus (29 ad ed.) Dig. 15.1.30 pr. and 15.1.9.2.3, citing Servius.

123 Gaius and I. 4.72: "Practerea tributoria quoque actio in patrem dominumve constituta est, cum filius servusve in peculli merce scietne patre dominove negotietur. Nam si quid eius rei gratia cum eo contractum fuerit, ita praeor ius dicit, ut quidquid in hoc mercibus erit quod inde receperit erit, sicut dominus inter se, si quid debelanum, et eisve credores pro rata portione distribuant. Et si creditores sequantur minus sibi distributum quam aporteret, in id quod deest hanc eis actionem polluerit, quae, ut diximus, tributoria vocatur." The text is supplemented by P. Oxy. XVII 2163 (fragmento oxyrhynchico). Gaius warned elsewhere (Inst. 4.74) that under certain circumstances the actio tributoria might have been less profitable than the actio de peculo, because the actio tributoria resulted in the division of the peculium among creditors, while the actio de peculo gave a right on the whole peculium to the creditor who brought the suit against the principal. A. Watson (1965) 185 points out that the actio tributoria is not attested in the Republican period, but it might of course be much older than the first textual reference to it (Labeo, cited by Ulpius (29 ad ed.) Dig. 14.4.5.24; 14.4.7.4; and 14.4.9.2).

124 Cf. Dig. 15.2; M. Kaser, RP 15 (1971) 343, n. 21; and 607, n. 14.

125 Paulus (11 quater) Dig. 15.1.53: "Si Sticho peculi cum manumitteretur ademptum non est, videtur concessum: debitores autem convenire nisi mandatis sibi actionibus non potest."
that one of his underslaves was engaged in trading, whether the contract from which the third contracting party's claim arose was made with the holder of the peculium or with his underslave institor.\textsuperscript{134}

When the holder of the peculium was a son-in-power, third contracting parties could sue the son for the full debt, or the father to the extent of the peculium. When the agent was a slave with peculium, the third contracting party only held an actio de peculio against the master, because no civil liability arose upon the slave.\textsuperscript{135}

This technical survey of the five praetorian remedies available to third contracting parties to sue principals on account of the contracts negotiated with their agents illustrates the attention paid by Republican and early Imperial jurists to problems encountered in commercial life and arising from real situations. The level of sophistication achieved by the Severan period was the result of a long development, the main stages of which will be described in the next section.

C. Historical development

The question of the origin and early development of the actiones adiecticiae qualitatis has been for decades a subject of controversy among legal scholars.\textsuperscript{136} Because of the lack of evidence, any theory about this question is bound to remain speculative, but not necessarily gratuitous. It seems fair to postulate that the history of indirect agency must follow a logical pattern, on the basis of which it should be possible to reconstruct the circumstances under which the praetor introduced these remedies. Because of similarities of form and purpose, the actiones adiecticiae qualitatis should be considered as a set of remedies introduced consecutively rather than simultaneously, and probably within a relatively short period of time, perhaps over half a century. It will also be assumed that each of these remedies was created to supplement, extend, or further define the scope of its forerunner(s).

Before the creation of the actiones adiecticiae qualitatis, third contracting parties dealing with a dependent agent had no legal remedies against the master/paterfamilias. At the other end of the historical process, third contracting parties had a choice of remedies not only against the master/paterfamilias of a dependent agent, but also against the principal of an extraneous agent. One of these remedies applied to cases where the transaction carried out by the agent had been specifically authorized by the principal (actio quod iussu); others applied to cases where the principal's instructions pertained to activities performed over a period of time and implying sometimes various types of transactions (actiones institoria and exercitoria); others still applied to cases where the involvement of the principal did not exist (actio de in rem verso), or was minimal and consisted in an initial authorization to do business on an independent basis (actio de peculio). The logical thread that one might expect to recognize in this historical evolution implies a transition from a restrictive system to a more liberal system. At the beginning, the principal was allowed to retain a tight control over the transactions carried out by his dependent to the prejudice of the agent's flexibility; later on, the recruitment of agents outside the inner circle of the extended Roman family was facilitated, and the agent was given more freedom in the conduct of wide-ranging, loosely-defined business activities.

1. The origin of the actiones adiecticiae qualitatis

The conceptual origin of the actiones adiecticiae qualitatis is obscure. It seems possible that the liability of the principal for his dependent's transactions was conceived as a praetorian extension of his civil liability for his dependent's defects.\textsuperscript{137} In his commentary on the

\textsuperscript{134} Ulpianus (29 ad ed.), citing Pomponius, Dig. 14.4.5.1-3: "Item parvi referit, cum ipso servico contrahatur cum institore eius."

\textsuperscript{135} Ulpianus (53 ad ed.) Dig. 15.1.44; and idem (43 ad Sub.) Dig. 15.1.41.

\textsuperscript{136} Even though the actio tributaria is not an actio adiecticiae qualitatis (cf. above), it was included in the same chapter of the perpetual Edict and therefore will be treated here together with the other five remedies.

\textsuperscript{137} For the delictual origin of contractual liability in Greek law, in the law of the papyri, and in Roman law, cf. M. Kaiser, ZRG 91 (1974) 156, n. 42; 158-60 (with reference to H.J. Wolf, ZRG 74 [1957] 25-72); and 170-72. About the form of the remedies sanctioning the master's liability for the defects of his employee, cf. M. Kaiser, RE (1956) 265-94; and idem, RP 1[1971] 513; and 606, n. 5. These remedies originated either in civil law (actiones nosilia, where both ininitio and condemnation mentioned the defendant's option either of surrendering the dependent to the plaintiff or of paying him a monetary compensation) or in praetorian law (actiones in factum or in ad quod ad eum personam). The rule is expressed by Ulpianus (67 ad ed.) Dig. 50.17.149: "ex qua persona quis lucrum caperit, eius factum praevarare debet," operates in a passage by Labeo/Ulpianus (76 ad ed.) Dig. 44.4.4.17: "neque enim casu accequet servus dolos amplissimi domino noccire, quam <in eo negotio> in quo opera eius esse usus." (restored by F. Schultz, ZRG 33 [1912] 75), serves to justify the actiones in factum (cf. Ulpianus [18 ad ed.] Dig. 4.9.7 pr. and idem
praetorian Edict, Ulpianus says that third contracting parties could sue a shipper for the delicts of all sailors employed on his ship; by contrast, Ulpianus stressed that the shipper's contractual liability was restricted to the transactions carried out by the shipmaster (magister naves) only.\textsuperscript{138} Ulpianus's statement was meant to clarify a situation in which third contracting parties were likely to form unrealistic expectations about the contractual liability of the shipper for transactions carried out by any member of the crew, regardless of the nature of his position. This ambiguity stems from the wording of an earlier praetorian edict related to the liability of seamen, innkeepers, and stablekeepers for safekeeping of things deposited with them.\textsuperscript{139} In this edict, seamen were called nautae; according to Pompomius, the praetor meant shippers and shipmasters to the exclusion of the rest of the crew.\textsuperscript{140} It is remarkable that, when a dependent shipmaster had wronged his passengers, his principal became liable to an actio in solidum instead of an actio noxalnis, provided that he had actually appointed his dependent as shipmaster. Otherwise, his lia-

\textsuperscript{138} Ulpianus (14 ad ed.), Dig. 4.9.3.3: "Si filius familias aut servus receperit et voluntas patris domini intervenit, in solidum erit conveniendus. Item si servus exercitoris subiepit vel damnun dedit, noxalis actio cessabit, quia ob recepturn suum nomine dominus convenerit. Sin vero sine voluntate exercet, de peculo dabitur."

\textsuperscript{139} Ulpianus (28 ad ed.), citing Labeo, Dig. 14.3.5.8: "Idem ait, si libitinarum servum pollicentorem habuerit isque moritur spolivert, dandam in eum quasi institorum actionem, quamvis et furti et iniuriarum actio competeter. The passage is considered heavily interpolated by R. Knöl, ZRG 100 (1983) 353, n. 43; cf. also P. Angelini, BDIR 71 (1986) 253, n. 23; A. Bursele, BDIR 74 (1971) n. 53; G. Longo, Studi Scolastici 11 (1972) 613-14; and G. Hannox, Index 9 (1980) 227. It is accepted as classical by F. Serra, Enciclopedia del diritto 21 (1971) 831, n. 19, who points out that the slave pollentor was not a praepositus and that the liability of the libitinarium arises from an unlawful act instead of a contract, and sees in the creation of an actio utilis or quasi institoria "un'ardita innovazione di Labeo." Similarly, N. Benke, ZRG 105 (1988) 597-607, esp. 599 and 601, who considers that the actio quasi institoria was created by Labeo to sanction the master's liability in situations falling outside the scope of the praeposito.

\textsuperscript{139} Ulpianus (14 ad ed.), Dig. 4.9.1 pr.: "Ait praetor: 'nautae caupones stabulii quod causam salvest fore receperint nisi restituent, in eos iudicium dabo.'" Cf. M. Kaiser, RP (1971) 585-86. N. Benke, ZRG 105 (1988) 607 and n. 74 suggests that Labeo had created an actio quasi institoria (Dig. 14.3.5.7-10, cf. below) on the model of the actio in solidum, because the situation in this passage supposed a liability for safekeeping (custodia) (Gaius [15 ad ed. pr.] Dig. 4.9.5 pr.).

\textsuperscript{140} Ulpianus (14 ad ed.), citing Pomponius, Dig. 4.9.1: "Qui sunt igitur, qui tenentur, videndum est. Ait praetor: 'nautae.' Nautae accipere debemus cum eum naves actio appellatur omnem, qui navis naviganda causa in nave sint: sed de exercitore solummodo praetor sentit. Nec enim debet, inquit Pompomius, per remugem aut meconam aliis obligari, sed per se vel per navis imaginem: quamquam si ipse ali cius etiam committis iussit, sine dubio debeat obligari."
and subsequently went bankrupt, the liability of the baker who had authorized the collection of money in prepayment for a sale was not in doubt, but it is not clear whether or not the slave’s bankruptcy was fraudulent. In the third case discussed in the same passage by Labeo/Ulpianus, the dependent’s delict is well established. Upon his departure for a journey, a launderer (futti) had invited potential customers to do business with his apprentices to whom he had entrusted his workshop with all its equipment. One of the apprentices had made off with the clothes, and the jurisprudents examine the question of the launderer’s liability for his employee’s delicts. Labeo states that the launderer would not be liable if the apprentice had been appointed in the capacity of procurator. However, the principal was declared fully liable if the apprentice had been appointed in the capacity of insititor. Ulpianus adds that the launderer could be sued on the contract of work (ex locato)—but not on the man-

144 Ulpianus 28 ad ed., citing Labeo, Dig. 14.3.5.9: “Idem Labeo ait: si quis pistor servum susum solitus fuit in certum locum mittere ad panem vendendum, deinde is pecunia accepta prae senti, ut per dies singulos eis panem praestaret, conturbaverit, dubitari non oportet, quin, si permisit ei ita dari summam, tenei debet.” Cf. N. Benke, ZRG 105 (1988) 602-603.


146 Ulpianus 28 ad ed. Dig. 14.3.5.10: “Istet et cumullo peregre proficiscens <aliquem> rogasset, ut discipulis suis, quibus tabernam instructam tradiderat, imperaret, post eum profectum custum ventemta discipulus accipisset et fugisset, (Labeo scripsit) fulonem non teneri, si <discipulis> quasi procurator fuit relictus: sin vero quasi insititor, teneri eum. Plane si admitterer, mihi recte me credere operatur eum, non insititor, sed ex locato tenebitur.” The passage has been considered interpolated, but the substance is intact: cf. P. Angelini, BDIR 71 (1968) 236-37; A. Burdese, BDIR 74 (1971) 68, n. 23; and G. Longo, Studi Scuritelli (1972) 614. An object must be supplied to “rogasset,” expressing “any potential customer.” Tradere could be understood either as the basis of the praeposito or as a reference to a different contract (appointment to a procuratorship, mandate, locatio concedo). I follow here N. Benke, ZRG 105 (1988) 603, pp. 56-58, with parallels. The interpretation of “imperarer”—which has no expressed subject—is undoubtedly “to give order” in the sense of “to enter into a transaction with, to contract with, to do business with” (cf. Varro, Rust. 1.16.4; and Alfenus Varus [Dig. 38.1.26 pr.]). In this case, the apprentices would be joint managers (insitiones). On the basis of the version in the Basilia (BS 18.1.5), some authors suggest a different interpretation featuring four characters instead of three: the fuller, the apprentice, the client, and an insititor/procuretor who would be the subject of “imperarer;” cf. S. Solazzi, Scritti di diritto romano VI (1972) 548-56; and R. Knütel, ZRG 100 (1983) 407-10.

147 The second sentence is clearly by Ulpianus rather than Labeo and has been considered classical (cf. S. Solazzi, Scritti di diritto romano VI [1972] 553). There is some problem with the opposition actio insitoria and actio ex locato, since the actio insitoria would in any case be an actio ex locato. The distinction might have been between actio insitoria ex locato and actio directa ex locato (cf. Solazzi 554).

148 XII Tables 12.2.4, about theft (furian); Gai., Inst. 4.75-76, about damage unjustly inflicted (damnum injuriae datum); Dig. 9.4. Cf. M. Kaser, RPI (1971) 163-65; and 630-33; and A. Watson, The Law of Obligations in the Later Roman Republic (Oxford 1965) 234 for the date of the Lex Aquilia; and 274-80.

149 A. Watson (1965) 185.
praetorian Edict representing effective changes in the substantive law—to which the *actiones adiectiae qualitatis* belong—seems to have been incorporated late in the Edict history, i.e. not before the first century B.C.\textsuperscript{150}

A. Watson builds upon Kelly’s conclusions and establishes that the purpose of the praetorian law, starting at the end of the third century B.C., was at first to make “alterations in the measure of damages.” By 160 and until the 140’s, the praetors introduced major changes in the substantive law by creating individual *actio in factum* (such as the *actio in factum adversus nautas, cauponae, stabularios*). By the third quarter of the second century, and perhaps before in some cases, the *actiones bona fide* (on sales, leases, partnerships, and mandates) were available. There is no evidence for any new edict between the time of Plautus and 118, but after that date the praetors issued several edicts modifying the *ius civile* and creating new remedies and new legal concepts.\textsuperscript{151}

Although the dates proposed by Kelly and Watson are only *termini ante quos*, it should be possible to circumscribe a period during which the *actiones adiectiae qualitatis* were created. Since the *Lex Aebutia* is not securely dated, it is impossible to establish a precise *terminus post quem* for their creation. The middle of the second century B.C. seems to be the earliest date acceptable. As the *actio in squito* is mentioned by Servius Sulpricius Rufus who died in 43 B.C.,\textsuperscript{152} the time span is reduced to approximately one century. It may be worth pointing out that Servius was the very first jurist to write a commentary on the praetorian Edict, so that there would be no reason to expect a quotation from earlier jurists.\textsuperscript{153} Further, Ulpianus specifies that Servius’s opinion is excerpted from his first book *Ad Bratum* (out of two appended to his *Ad editum*).\textsuperscript{154} which may provide a clue regarding the creation of the *actio in squito*. M. Iunius Brutus was a second-century-B.C. praetor (around 140) and jurist who commented on the *ius civile* in three (or seven) books.\textsuperscript{155} Thanks to Cicero, we know that Brutus owned several agricultural estates in Privenum, in the region of Lacus Albanus, and in Tivoli, in addition to a bath establishment. The management of these economic units must have been entrusted either to agents or to lessors.\textsuperscript{156} Brutus’s interest in estate management surfaces in one of the very few allusions to his legal opinions,\textsuperscript{157} and it is possible that his activity as a landowner, magistrate, and jurist lead to the creation of the *actiones adiectiae qualitatis*.\textsuperscript{158}

Another element points towards a late-second-century date for the introduction of the *actiones adiectiae qualitatis*: as mentioned above, the formula of these remedies was characterized by a transposition of persons from the *intentio* (containing the name of the agent) to the *condemnatio* (containing the name of the principal). Through Gaius, we know of another remedy presenting the same formula, which can be dated on the basis of its name (*Formula Rutiliana*) to 118 B.C.\textsuperscript{159}

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\textsuperscript{150} J.M. Kelly, “The Growth-Pattern of the Praetor’s Edict,” *If* 1 (1966) 341-55, where the author examines Papinianus’s statement about the competence and the functions of praetors as lawmakers (Pap. [2 def.] Dig. 1.1.7.1: “ius praetorianum est, quod praetores introducant adiuvandi vel supplendi vel corrigendi urbis civilis gratia propter utilitatem publicam”), whose he sees as reflecting the result of a historical process rather than the original situation.


\textsuperscript{152} Ulpianus (28 ad ed.) Dig. 14.3.5.2: “Nam et Servius libro primo ad Brutum ait, si quid cum insulario gestum sit vel evo, quem quid adificio praeposuit vel frumento coemoendo, in solidum eum teneri.” An indirect allusion is found in a text by Pomponius (6 ad Sub Dig. 33.7.15 pr.: “Si ita testamento scriptum sit: ‘quae tabernarum exercedarum instruendarum pistiri cauponae causa facta parataque sunt, do lego’, his verba Servius respondit et caballio, qui in pistriam esset, et pistoiae, et in cauponio instioret et locariam, mercesque, quae in tabernis essent, legatas viderit.” Cf. below.


\textsuperscript{154} Pomponius (sing. enchir.) Dig. 1.2.2.44. F. Wiesacker, *Römische Rechtsgeschichte* (Munich 1988) 602-07, esp. 605, considers that *Ad Bratum Libri II* is the actual title of the commentary on the Edict.

\textsuperscript{155} Pomponius (sing. enchir.) Dig. 1.2.2.39; and Cic. Brut. 34.130. F. Wiesacker (1988) 542-43.

\textsuperscript{156} Cic., *De Or. 2. 55. 224 (= Clu. 51. 140-141).* Cf. V. I. Kuzičič, *La grande proprietà agraria nell’ Italia romana* (Rome 1984) [1976] 42, nn. 99-100. About managers of agricultural estates, cf. below, Chapter Three; and of baths, cf. below, Chapter Five.

\textsuperscript{157} Cic., *Fin. 1. 4. 12*, about offsprings of slaves attached to an estate, considered as part of the return of this estate.

\textsuperscript{158} A. Watson (1974) 51-52 points out that Brutus is known to have expressed opinions on the subject of *usucaptum, actio legis Aquilae*, *usucapio, postliminium, in dim. adiectitio, furitum, lex Atinia*, and the heir’s action on *furitum*, but there is no reference to the praetor’s Edict. Cf. O. Lenz, *Policenia urbis civitatis I* (Leipzig 1889) 77-78. F. Wiesacker (1988) 605, n. 65 suggests, however, that Servius’s dedication of his commentary to Brutus was politically motivated.

It seems likely that all remedies of this type were introduced around the same time.

2. The chronological order of the introduction of the actiones adiectivae qualitatis

In his study of the early history of the actio de in rem verso, G. MacCormack writes that, with regard to the relationship of this remedy with the actio de peculio, "the praetor is unlikely to have introduced two distinct heads of liability in the same edict at the same time." Therefore, we should think of the actiones adiectivae qualitatis as being created successively.

Which remedy was the oldest? This question can be answered only in a tentative way. E. Costa thinks that the actio quod iussu was probably older than the actiones exercitatoria and insititoria. His argument is based on a text of Gaius:

At first, when a transaction had been carried out by an agent with the authorization of the master/paterfamilias, the praetor created a remedy for full liability against the latter; and this was right, since the third party has trusted the credit of the principal rather than that of the dependant. On the same pattern, the praetor created two other remedies, called actio exercitatoria and actio insititoria.

Other texts emphasize this connection between iussum and voluntas on which the appointment of insititor stands, and they suggest that insitiori "acted as if they were under the benefit of an iussum from their principals." If iussum implies voluntas, the reverse is not necessarily true, and voluntas without iussum may represent a more sophisticated ground for liability, thus belonging to a later stage in the development of legal means sanctioning indirect agency. In other words, it is more logical that the Romans accepted at first the principle of the master's liability for specifically authorized transactions performed by his dependent, before extending it to all transactions performed by an appointed manager.

The main objection to Costa's interpretation is that, except for Gaius's text, there is no direct allusion to the use, or even existence, of the actio quod iussu during the Republican period. It is true that the silence of our sources is meaningless, because the Republican period has yielded little technical material anyway, especially of the kind that would express the need for a specific remedy. It is nevertheless puzzling to note that the late-Republican jurist Alfenus Varus presents a case where this remedy would have provided an easy, not to say obvious, solution. The omission of the actio quod iussu in a case where the master had reportedly given instructions to his slave to buy replacement oxen has been interpreted as an indication that the actio quod iussu was still unknown in Alfenus's time. One could object that in this particular case the necessary conditions were not fulfilled for the actio quod iussu to be available. There is no indication, for instance, that the master's instruction to his slave had been disclosed to the third contracting party.

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The mention is by Labeo, cited by Ulpiianus (29 ad ed.) Dig. 3.1.19. Of course, iussum in the sense of special instruction given by a master is attested much earlier (Plaut., Pud. 909; Cat. Ag. 5.3), which does not mean that the master's liability was sanctioned by then.

Alfenus (2 dig.) Dig. 15.3.16.

The absence of early reference to the actio quod iussu can be explained in different ways. First, it is possible that the actio quod iussu was partly superseded by other remedies at an early date, and thus retained only a subsidiary role, which ensured its survival.\(^\text{168}\) A. di Porto convincingly argues that the iussum could be used as guarantee in the case of a collective enterprise.\(^\text{169}\) Third contracting parties doing business with a serus communis cum peculo had an actio de peculo aut de in rem verso against each of the slave’s joint owners, who were liable to the extent of the slave’s peculium. If the limited liability of the joint owners seemed to offer insufficient security, third contracting parties could request that one of the owners give a special authorization (iussum), thus engaging his own full liability in addition to the limited liability of the other joint owners.

To sum up, Gaia’s passage cannot be rejected on textual or logical grounds. This leads me to favor the chronological priority of the actio quod iussu over the other actions adiectiae qualitatis.

Which remedy was introduced next? Modern scholars have attempted to find in the perpetual Edict of the urban praetor, published ca. A.D. 130 by Salvius Julianus at the request of the emperor Hadrian, a basis to establish the chronological order in which the actions adiectiae qualitatis had been created. There is no reason to question Lenel’s reconstruction.\(^\text{170}\) In the perpetual Edict, the respective remedies were arranged in the following order: (1) actio exercitoria; (2) actio insitioria; (3) actio tributoria; (4) actio de peculo; (5) actio de in rem verso; and (6) actio quod iussu. This arrangement is reflected by the order of the respective titles dealing with them in the Digest and is based on the inscriptions identifying the source of individual excerpts from the Digest. For instance, Ulpiianus discusses the actions exercitoria and insitioria in the twenty-eighth book of his commentary Ad edictum, and the actions tributoria, de peculo, de in rem verso, and quod iussu in the twenty-ninth book. On the other hand, Paulus discusses the actio exercitoria in the twenty-ninth book Ad edictum, the actio insitioria in the twenty-ninth and thirtieth books, and the other remedies in the thirtieth book.

The Digest also provides some information about the internal structure of the perpetual Edict, thus allowing us to reconstruct the place of the respective actions adiectiae qualitatis in it. Gaia discusses the arrangement of these six remedies in his commentary on the provincial Edict. He describes the actions exercitoria, insitioria, and tributoria, as “actiones superiores,” before discussing the three other remedies granted only when the so-called superior remedies were not available.\(^\text{171}\) Another text also shows that all six remedies were arranged in a definite order, as Paulus refers to the actio de peculo, de in rem verso, and quod iussu as “inferiora edicta.”\(^\text{172}\) Since Ulpiianus speaks of a “triplex edictum” about these three remedies,\(^\text{173}\) it seems logical to assume that the “actiones superiores” were also grouped in a “triplex edictum,” although it is not clear what the actio tributoria has in common with the actions insitioria and exercitoria.

Further, it is obvious that the formula of the actio tributoria,\(^\text{174}\) which belongs to the “actiones superiores,” presupposes the existence of the actio de peculo, which belongs to the “inferioribus edictis.” This suggests that the order in which the respective actions adiectiae qualitatis are listed in the perpetual Edict and discussed in the Digest does not reflect the chronological order of their creation. Thus, the order

\(^{168}\) Gaia (9 ad ed. prov.) Dig. 14.5.1: “Omnia proconsul agit, ut qui contra scriptum est, in aliena potestate sit, etiam si deficit superioris actiones, id est exercitoria institoria tributoria, nihil minus tamen in quantum ex hinc et hoc res partitur sumum consequatur. Sive enim iussu eius, cuius in nomine iudicium pollicetur: sive non iussu, sed tamen in rem eius versus fuerit, extenua introdicit actiones, quatenus in rem eius versus fuerit: sive neutrum orem sit, de peculo actiones constituat.”

\(^{169}\) Gaia (9 ad ed. prov.) Dig. 14.5.1: “Si servum Titi iustitiae habuerit, vel teci cum hoc edicto vel cum Tuito inferioribus edictis agere poterit.”

\(^{170}\) Ulpiianus (29 ad ed.) Dig. 15.4.1.1.1: “Est autem triplex hic edictum: aut enim de peculo aut de in rem versus aut quod iussu hinc ostius acto.”

\(^{171}\) Cf. FIRA I, no. 65, p. 355, pars. 103: “Qui mercus peculiari sciente eo, in cuius potestate erit, negotiabitur, si quid cum eo eius mercis nomine contractum erit, eum, quod ex ea mercer cive nomine receptum erit, eum, in cuius potestate erit, si quid ei deebetur, eum creditoribus mercis pro rata eius quod cuique debebitur in tributum vocabur.” Cf. also Ulpiianus (29 ad ed.) Dig. 14.4.1.4: “Duiqueque eodem non minimis utilitas est, ut domino, qui aliquid in servis contractibus privilegium habet (quisque cum de peculo dixit tamen, cujus peculii admissio deducto quod domino debetur, si tamen, sciret servum peculiare merce negotiari, velit extraneus creditor ex hoc edicto in tributum vocatur.” It is not clear to me whether the mercus peculiari consists of the running stock only, or includes all assets and liabilities, regardless of the situation of the dependent toward his principal; cf. A. di Porto (1984) 54-57 and 211 ff. who speaks of a “catena di patrimonio separati” and of “un entità patrimoniale separata dal rei: erit edicto quod peculi.”
in which the six remedies were listed in the perpetual Edict could have been determined by (unspecified) criteria other than chronological, for instance on the basis of their importance in the early second century A.D. Consequently, even a reverse chronological sequence cannot be excluded. This comes as no surprise, since it is well known that even though the praetorinan Edict had been little altered during the first century A.D., Iulianus made some significant changes of form, though not of substance, by rewording or rephrasing various sections, and by altering the order of topics.175

As noted above, the six remedies could be divided into two groups, based on the extent of the liability of the principal, full or limited. Therefore, the actio quod iussus should have been included originally in the same triplex edictum—provided that the grouping by three is original, which is dubious—as the other actions in solidum (exercitatoria and institoria). While accepting the possibility of the priority of the actio quod iussus over the actions exercitatoria and institoria, G. Pugliese suggests that the actio quod iussus had been transferred into the (second) edictum triplex by Iulianus on account of the growing importance of the other remedies.176

As to the relationship of the actio quod iussus with the actions de in rem verso and de peculio, the common denominator between them is that all three were available only when the agent was a dependent of the principal. Gaius records the sequence (1) actio quod iussus; (2) actio de in rem verso; and (3) actio de peculio,177 although the last two remedies were usually considered together and in the reverse order in the classical period (actio de peculio vel de in rem verso).178 Once more, Gaius’s description reflects the historical order, since it seems now established that the actio de in rem verso was created independently from, and slightly earlier than, the actio de peculio.179

The logic behind the creation of the actions adiectoriae qualitatis becomes clearer when one considers that their main purpose was to facilitate business by allowing people to rely on agents to carry out legal transactions while playing on three variable factors:

1. the extent of the liability of the principal (liability factor);
2. the sphere of competence of the agent and the extent of the principal involvement in supervising the activity of the agent (flexibility factor);
3. the nature of the relationship between agent and principal (status factor).

The actio quod iussus—the priority of which has been postulated above—provides for the full liability of the principal, calls for the strictest control over the activity of the agent, and requires a status of dependency on the part of the agent in relation with the principal. Taking this as a starting point, we have then the choice between three patterns of development:

(a) if the emphasis rested on the liability factor, all legal remedies entailing the principal’s full liability must have been created prior to the legal remedies entailing his limited liability, and the chronological order of the creation of the various remedies would be: (1) actions quod iussu, institoria and exercitoria; (2) actions de in rem verso, de peculio, and tributoria (the order within each group is for now irrelevant);

(b) if the emphasis rested on the flexibility factor, we would expect the same order, since iussum and praeposita imposed various restrictions on the agent’s activity and implied a certain level of control on the part of the principal over his agent’s activity. These restrictions no longer exist in the second group, as the principal was liable for any transaction performed by his agent;

(c) if the emphasis rested on the status factor, then the order would be modified to the effect that the actions institoria and exercitoria would have been created later than the others, unless we admit that originally, these two remedies (institoria and exercitoria) were only granted when the agent was a dependent of the principal. P. Fabricius even suggests that the “gewaltsame Institor” was a creation of the classical jurists, who recommend giving an actio utilis to third contracting parties against principal for transactions carried out by extraneous agents.180 This point will be discussed later on, but it is sensible to surmise that the actions institoria and exercitoria underwent an evolution whereby the position of agent, first reserved to members of

175 F. Schultze, History of Roman Legal Science (Oxford 1946) 127.
177 Gaius (9 ad ed. proo.) Dig. 14.5.1 (cf. above), wrongly considered interpolated by many authors (cf. P. Fabricius [1926] 11, n. 11). Those who reject this passage as interpolated must also reject Marcianus (4 reg.) Dig. 22.1.32.3 and Ulpianus (29 ad ed.) Dig. 15.3.5.2.
179 G. MacCormack, Studi Biscardi II (1982) 324, who suggests that the creation of the actio de in rem verso was connected with the creation of the condicio.
180 P. Fabricius (1926) 30-32.
the household, was subsequently open to outsiders. It remains to be established when and under what circumstances this reform took place.

To return to the early history of the *actiones adiectiae qualitatis*, I shall suggest, on the basis of the arguments developed in the preceding paragraphs, that the most likely chronological order of creation was (1) *actio quod iussu*; (2) *actiones institoria and exercitoria* (cf. below); (3) *actio de in rem vero*; (4) *actio de peculo*; and finally (5) *actio tributoria*. This hypothesis is consistent with Ulpianus's remark that the Roman praetor chose to attend first to those contracts that gave rise to a remedy carrying full liability on the part of the principal before turning to those that gave rise to a remedy on the *peculium*. In this passage, he refers to the original order of the edict, and not to the actual form of the perpetual Edict, to which he switches in the next passage.\(^{181}\)

3. The relationship between *actio institoria* and *actio exercitoria*

In the previous section, *actio institoria* and *actio exercitoria* have been treated together. It is necessary at this point to determine which one was created first. The answer to this question is affected by one's overall view of the Roman economy of the mid-Republican period. As noted above, modern scholars seem to have been almost unanimously in favor of the priority of the *actio exercitoria*.\(^{182}\) The main arguments used to support this thesis are the following:

(1) the *actio exercitoria* was described before the *actio institoria* in the perpetual Edict;

(2) the *actio exercitoria* is more sophisticated than the *actio institoria*;

(3) the *actio exercitoria* is similar to the *actio institoria* in that a shipmaster is not different from a business manager, suggesting that if the *actio institoria* were older, the *actio exercitoria* would have been superfluous;

(4) the name of the *actio institoria* is surprising because it refers to the agent, whereas one should expect a reference to the principal, whose liability was at stake. The inadequacy of the term would be a sign that the *actio institoria* is a later, somewhat clumsy, addition to the *actio exercitoria*;

(5) the economic development of Rome and Italy after the Second Punic War, characterized by the soaring importance of seaborne trade, provided the momentum for the creation of the praetorian remedies. Borrowing from Greek maritime laws, the peregrine praetor would have dealt first with shipmasters, before turning his attention to business managers.

The first point has been dealt with in the previous section, where it has been shown that classical and post-classical jurists discuss the *actiones adiectiae qualitatis* in the order selected by Salvius Ulinanus in the final draft of the perpetual Edict, which does not reflect the chronological order of the creation of the respective remedies. P. Huvelin and S. Solazzi illustrate this fact with the case of the *honorum possessio contra tabulas* (Dig. 37.4 and 5) and *secundum tabulas* (Dig. 37.11), the former being mentioned first in the Edict because it was more "useful and practical" than the latter, although there is no doubt that the *honorum possessio secundum tabulas* was created before the *honorum possessio contra tabulas*.\(^{183}\) The same explanation may apply to the place of the *actio exercitoria* with regard to the *actio institoria* in the perpetual Edict.\(^{184}\)

The second point is equally convincing. It is true that the scope of the *actio exercitoria*, as reflected in the Digest, is wider than the scope of the *actio institoria*. In the first title (14.1), some technical problems concerning the application of this remedy were regarded as deser-

\(^{181}\) Ulpianus (29 ad ed.) Dig. 15.1.1 pr. 1: "Ordinarius praetor arbitratius est prius eos contractus exponere eorum qui alienas potestatis subjici sunt, qui in solidum tribuunt actionem, sic deinde ad hunc pervenire, ubi de pecullo datur actio.

(1) Est autem triplex hoc editum: aut emin de peculo aut de in rem verso aut quod iussu hinc oritur actio. The main problem with this text is that the *actio quod iussu* should have been treated with the first group of remedies. Therefore, it is necessary to admit that the two excerpts (pr. 1) and 1) are not logically connected. The order in which all three remedies are listed in the latter excerpt reflects the subsidiary nature of both the *actio de in rem verso* and the *actio quod iussu* in reference to the *actio de peculio* in Ulinanus's time.


\(^{183}\) P. Huvelin (1929) 182; and S. Solazzi, *Scritti di diritto romano IV* (1963) 244, n. 8.

\(^{184}\) The practical priority of the *actio exercitoria* as opposed to the historical priority of the *actio institoria* is highlighted by Ulpianus (28 ad ed.) Dig. 14.1.1 pr.: "aequum est, qui magistrum navi imponit, teneri ut tenetur, qui institorum tabernae vel negotii praeposuit, cum sit maior necessitas contrahendi cum magistro quam institore."
vying a detailed discussion, while there is no parallel in the second title (14.3). This discrepancy, however, might be ascribed to the method of the Compilers, or to the fact that people involved in seafaring trade ended up requiring a more elaborate system of protection. As Solazzi himself points out, this would have been a good motive for the creation of the *actio exercitoria* to compensate and supplement the lack of flexibility of the *actio insititoria*.\(^{185}\)

The third point is closely related to the second, because it rests on the same texts by Ulpianus (Dig. 14.1.1.5 and 20). Solazzi, who considers the texts interpolated, concludes that they prove that the liability of a shipper was not more rigorous than that of a principal operating a business. The standards of liability were the same for both remedies. If the *actio insititoria* had been introduced earlier, the praetor would have saved himself the trouble of creating the *actio exercitoria*, because the *praeposito* was a very large concept also applicable to seafaring trade.\(^{186}\)

The problem with such a view is that it rests on the debatable assumption that the process of interpolation changed the substance (as well as the form) of the passage in such a way that it meant something very different from what the authors originally intended. This assumption seems unwarranted to me, and I consider it very likely that the *actio exercitoria* represented indeed an improvement over the *actio insititoria* in terms of its adequacy with regard to the specificity of the problems associated with seafaring trade.

The fourth point represents at first sight a real puzzle. The adjective *insititoria* seems to refer to the agent, while the corresponding word *exercitoria* refers to the principal. How can this semantic discrepancy in the terminology be explained? It is unlikely that the praetor would have been content with using an inappropriate term—or at least a term acknowledged as conceptually inconsistent with that designating the twin remedy—to describe the *actio insititoria* as opposed to the *actio exercitoria*. It is contrived to argue that there is no word in Latin to designate the principal operating a *taberna* or *officina*, because it would have been possible to call both remedies *actiones exercitoriae*, in view of the fact that the word *exercitor* originally refers to any kind of businessman.\(^{187}\) The addition of a qualifying label—such as *insititoris* or *de insititore*—to specify that the remedy was a variant of the original *actio exercitoria* would have been more acceptable than using an incorrect, and otherwise rare, word.\(^{188}\)

The solution to this puzzle seems to lie elsewhere, for instance in the meaning of the word *insitior*. In Chapter One, I pointed out that *insitiores* in the literary sources are never represented as agents, but always as small, seemingly independent businessmen.\(^{190}\) This usage is best illustrated by the scholiast of Horace’s *Epodes*, who sets *insitiores* and *exercitores* on equal ground.\(^{190}\) *Insitiores* are not considered as agents, and the distinction between the two categories was based on the type of business they engaged in (land based vs. seafaring trade). By contrast, *insitiores* in the legal sources are always identified as appointed agents (*praepositi*), although some cases remain ambiguous. Labeo, for instance, says that the shopkeeper who dispatched his slave abroad to purchase goods for his own supply will be held liable ‘loco insititoris.’\(^{191}\) In this passage ‘loco’ can be

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185 S. Solazzi, *Scritti di diritto romano* IV (1963) 245, n. 13. Other passages have been interpreted as suggesting that the *actio insititoria* was formed on the model of the *actio exercitoria* (‘*exemplo actionis exercitoriae,*’ cf. Ulpianus [28 ad ed.] Dig. 14.3.7.1 and 14.3.13.2), but since elsewhere the *actio exercitoria* is set in contrast to the *actio insititoria* (Ulpianus [28 ad ed.] Dig. 14.1.1 pr.; 14.1.1.5; 14.1.1.20), the argument has little value. Besides, the former series of texts can be explained by the order in which the two remedies were listed and discussed in the perpetual Edict.


187 Ulpianus (4 ad ed.) Dig. 2.13.4 pr.: ‘*Praetor ait: Argentariae menae exercitores rationem, quae ad se pertinent, edent adiecto die et consule*’ ( = *FIRA* I, no. 65, section 3, par. 9a); *idem* (38 ad ed.) Dig. 47.5.1 pr.: ‘*In cos, qui naves cauponas stabula exceregunt, si quid a quoque coram quoque ibi habebant furtum factum esse dicetur, judicium datur, sive furtum ope consilii exercitoris factum sit, sive eum cuius, qui in eae navi navigavist, sibi causa esset:*’ *idem* (1 ad leg. Iul. et Lae) Dig. 23.2.43.9: ‘*Si qua cauponam exercerem in ea corpora quae sub tacentio habebat, etc.*’ Paulus, *Sent.* 2.31.16: ‘*Quaecumque in cauponam vel in merito stabile diversorior perierint, in exercitores eorum futuri actio competet.*’ Cf. *TLL* 5.2 (1933) 1389-90, section 2 (‘*qui exsequitur, factitium negotium*’), a. *exercitio navis*; b. *exercitio aliorum negotiorum.* Even though neither the noun nor the adjective—in this particular acception—are found in any text earlier than Gaius, it was obviously used in the praetorians Edict, and therefore belongs to the Republican period.

188 The adjective *insitiorius* is not used in Classical Latin, except in the legal sources. The neutral *insitiorium* (‘business’) in Suet. *Nero* 27.3 constitutes a unique, relatively late case.

189 This fact has already been noticed by E. Costi (1891) 35.

190 Y-Hor., *Epod.* 17.20: ‘‘*Duo sunt: genera negotiatores: insitiores et exercitores.*’’

191 Gai., *Inst.* 4.71: ‘‘*Idem autem insitiori vocatur, qua quia tabernae (aut cuilibet negotiaciones) praeposuit, insitior appellatur;*’’ and Ulpianus (28 ad ed.) Dig. 14.3.5 pr.: ‘*Cuicunque igitur negotio praeposuit sit, insitior recte appellantur.*’

192 Ulpianus (28 ad ed.), citing Labeo, Dig. 14.3.5.7: ‘*Sed et si tabernarius servum suum peregre mitteret ad merces comparandas et sibi mittendas, loco insitiori*...
understood either as "instead of" or as "as if he were in the legal situation of." In the first case, "institor" refers to the slave dispatched abroad, whereas in the second case, "institor" refers to the "tabernarius," i.e. the principal. A similar ambiguity is found in a text by Paulus, where trainers in charge of a workshop or store are held fully liable for the contracts of their apprentices. What is remarkable is that the remedy is given "in magistris vel institores," where the word "institores" clearly designates the principals, unless the apprentices acted as subagents. If "institores" referred to "discipuli" Paulus would have directed the remedy "in magistros aut institores." Finally, Papinianus presents the case of a slave who had committed himself to pay someone else's debt, although he had been appointed for the specific purpose of lending money. The jurist rightly decides that the principal should not be held liable "ut institor." The text as it stands in the manuscript clearly refers to the principal as "institor" and consequently has been corrected by modern commentators. In view of the interpretation presented here, namely that "institor" does not invariably refers to a business manager, this correction is uncalled-for.

From a linguistic point of view, "institor" is formed on the verb insistere (rather than instare), which has the double meaning "(to stand in or on)" and "(to establish someone in a certain position)." It is clear that in no case "institor" should be made the equivalent of a passive past participle, referring to "one who has been established." Most recently, M. Fruyt studied the semantic development of words ending with the syllable -tor and came to the conclusion that they

toris habendum Labeo scriptum." Cf. also Paulus (1 decr.) Dig. 14.5.8, where the principal is liable "nomine institoris."" 193 Paulus, Sent. 2.8.3: "Quod cum discipulis eorum, qui officinis tabernis praesunt contractum est, in magistros vel institores tabernarum in solidum acut datur." The text may be interpolated ("vel institores"). Papinianus (3 reg.) Dig. 14.3.19.3: "Servus pecuniae tanquam faenaridatus praepositus per intercessionem eas alienum suscipiens ut [institores] <institor> dominum in solidum iure praetorio non adstringit." 194 Cf. Oxford Latin Dictionary, fasc. 4 (1973) 929, s.v. institor; and A. Ernout–A. Meillet, Dictionnaire étymologique de la langue latine (Paris 1959) 319, s.v. institor (celui qui s'établit, s'installe avec son établissement). By contrast, A. Wrede–J. B. Hofmann, Lateinische etymologische Wörterbuch (Heidelberg 1982) 707, s.v. institor, favors a derivation from insto through *in-stator; cf. also ibidem II 597, s.v. inste; and F. Gaffiot, Dictionnaire illustré latin-français (Paris 1934) 833, s.v. institor. Two ancient writers (Ulpius and Salusius, cf. below) rest their definition on etymological grounds and trace the origin of the word institor to the verb instare rather than

were the result of a twofold process. 195 Through the process of lexicalisation, these words designate persons in reference to their trade, profession, or social functions, thus undergoing a semantic specification and acquiring meanings more remote from that of the verb from which they stem. Through the process of grammaticalisation, these words are used as substitutes for the missing form of the active past participle of the corresponding verb: the person is assigned the role of first acting character ("premier actant") of the original verb. Thus, the word institor designates on one hand a specific type of businessman, and on the other the person who established himself or another at the head of a business. This is quite consistent with Ulpius's definition, which emphasizes only the fact that an institor runs a negotium, without reference to his function of agent or independent businessman. 196 Likewise, the fifth-century bishop Salusius considers that an institor is a businessman who puts his energy into increasing his profit. 197

In sum, I would suggest that at the time of the creation of the actio institoria in the mid-Republican period, institores were mainly independent businessmen. As the praetor decided that the transactions of their dependents would make them fully liable under certain circumstances, the remedy granted to third contracting parties was named after the principal whose liability was at stake, as is the case for the twin remedy, the actio exercitoria. As time went on, the word institor took a derogatory social flavor and ended up designating almost exclusively the agent praepositus, often a slave, a freedman, or a free person of low station in life. Such was the usage adopted by the classical Roman jurists. 198 If this explanation concerning the name of the actio institoria is correct, then the argument whereby the peculiarity and inadequacy of the name of this remedy are proof of a later creation than the actio exercitoria 200 does not stand.

The fifth point rests on a myth. It is pointless to argue at great length that a development in seaborne trade in the second century B.C. would have been accompanied, or preceded, by a similar or even greater development in local and regional production and trade.\(^{201}\) In any case, Plautus shows that agents have been employed both in land-based enterprises and in seaborne trade much earlier than the time of the introduction of the actio in suitia.\(^{202}\) As will be suggested in the following chapters, there are good reasons to believe that the law of indirect agency was developed in response to changes in the pattern of production in by far the largest sector of the Roman economy, i.e., agriculture and the manufacturing activities connected with it. As for the appealing theory that the Roman praetor may have been influenced by existing provisions of Greek maritime laws, comparable to the Rhodian Law on jettison (Dig. 14.2), the lack of evidence on this point confines it to the state of mere conjecture.\(^{203}\) Besides, if one accepts the conclusion reached above that the actio in suitia was not introduced before the third or fourth quarter of the second century, it seems unlikely that the Romans would have borrowed any legal institution from a people with whom they had been in a state of cold war for one or two generations.\(^{204}\) If there was indeed a Greek connection behind the introduction of the actio in suitia, it must have been with Delos, where an important community of Roman and Italian businessmen had been established for some time. As these businessmen had retained personal and economic ties with the Italian mainland, where their relatives or business contacts controlled parts of the centers of agricultural and industrial production, it is possible that the influence of Greek laws, provided that it ever existed, would have affected land-based activities no less than seaborne trade.

Therefore, I believe that it can be suggested, against a widely ac-

tcepted opinion, that the actio in suitia was introduced somewhat earlier than the actio exercitoria. This suggestion is, coincidentally, supported by the *termini ante quos*, which, *per se*, do not prove anything: the earliest juristic opinion about the actio in suitia is by Servius Sulpicius Rufus, who died in 43 B.C. (Dig. 14.3.5.1), whereas the earliest reference to the actio exercitoria is by Servius’s student, A. Oflius (Dig. 14.1.1.9).\(^{205}\) Further, it is perhaps no coincidence that it is in reference to the actio in suitia that Ulpianus and Paulus twice record that, with regard to fairness, the praetor sanctioned the contractual liability of the principal for the transactions of his agent from which he benefited.\(^{206}\) This interpretation is consistent with the hypothesis that the actio exercitoria became more important in the Imperial period, hence the order in which both remedies lie in the perpetual Edict.

4. The extension of the actio in suitia to agents outside the circle of the Roman family

It has been suggested above that the actio in suitia/exercitoria was originally granted only when the agent was a dependent (servus, filius familias, etc.) of the principal. This is only conjectural, because it is clear that by the middle of the second century A.D. this condition of status was no longer relevant.\(^{207}\) It is not clear when the remedy became available to third contracting parties dealing with free agents. A. Watson, following M. Kaser, argues against P. Fabricius that the inclusion of free agents must predate the second century

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\(^{201}\) This point has been noted by P. Huvelin (1929) 181, cited by A. Claus (1973) 82.


\(^{204}\) A.N. Sherwin-White, *Roman Foreign Policy in the East* (168 B.C. to A.D. 1) (Norman, OK 1984) 30-36.

\(^{205}\) Both are quoted by Ulpianus (28 ed.) Dig. 14.3.1: “Acquos praetori visum est, sicut commoda sentimus ex actu in suitio, ita etiam obligari nos ex contractibus ipsorum et conveni;” and Paulus, Sent. 2.8.1: “Sicut commoda sentimus ex actu praepositori, ita et incommoda sentire debemus.” S. Solazzi, *Scritti di diritto romano IV* (1963) 251 rejects both texts as interpolated.

\(^{206}\) Gai., Inst. 4.71: “Institutio vero formula tunc locum habet, cum quis tabernae aut culilbet negotiatationi filium servumve aut quemlibet extraneum sive servum sive liberum praeponserit; ...” P. Fabricius (1925) 7 dismisses “aut...liberum” as a gloss; cf. also Ulpianus (28 ed.) Dig. 14.3.7.1; and Paulus, Sent. 2.8.2. The situation of freed (or emancipated) siicii and of servi eternae was similar to that of free siicii, since all were contractual agents (cf. below): cf. also Ulpianus (28 ed.) Dig. 14.3.1.8; Iulianus (11 ed.) Dig. 14.3.12; Paulus (30 ed.) Dig. 14.3.17.1; Papinianus (3 resp.) Dig. 14.3.19.1 and (1 quaest) Dig. 14.3.7.1; Scaevola (5 dig.) Dig. 14.3.20 and (11 dig.) Dig. 26.7.58 pr.; cf. also G. Hamza, *AUB* (far.) 25 (1983) 101, n. 68.
A.D. These authors, however, provide no further information as to whether or not the actiones institoria and exercitoria were granted immediately from the time of their creation in cases involving extraneous agents. If a change actually took place, it is not clear when and under which circumstances it occurred.

Two considerations must be kept in mind. First, the extension of the availability of the actio institoria/exercitoria to situations where the agent was an outsider became a necessary consequence of the evolution of the very institutions on which the system originally rested, i.e. slavery and the unity of the Roman family. The social and economic rise of Roman freedmen and the increasing number of emancipations of sons-in-power elicited a shift of competent economic agents from the status of dependents to that of independent businessmen. Second, it must have been desirable for all parties involved, i.e. principals and third contracting parties, to enlarge the pool of potential agents while retaining the same conditions of credit. It is possible that free extraneous agents appeared first in the context of the operation of a ship. Because of the similarity between the two remedies, it is likely that any development on one side would be followed shortly by an adjustment on the other.

The sources do not indicate when the transactions performed by extraneous agents first made their principal liable to a remedy in soli-

dum. For our purpose, it is not important whether this remedy was an actio directa, applicable to all praespositi indiscriminately, or an actio utilis, with a modified formula extending the remedy to cases not originally covered by the actio directa, because the practical effects would be the same. In both cases, freedmen, servi alieni, and free-born, could step into the shoes of business agents, a position which had been up to this point restricted to slaves and dependents belonging to the familia of the principal.

Almost three centuries may have elapsed between the time of the introduction of the remedy by the praetor and the time of Iulianus or Gaius, when extraneous institoris are unambiguously attested. In a recent article, K. Viskay points out that, in the legal sources, freedmen are almost never presented in the capacity of institoris, and concludes from it that the appointment of freedmen as institoris must have been rare. According to Viskay, the scarcity of freed institoris was a consequence of the employment of freedmen on the basis of their obligations toward their former masters, derived from their officium. This explanation is irrelevant, because, as will be demonstrated later on, the liability of the principal for his agent's transactions was independent from the type of legal relationship existing between them.

In order to establish whether the appointment of free institoris constituted an option commonly resorted to by businessmen before the time of Iulianus, we have to search through the non-legal—literary and epigraphical—sources of the late Republican and early Imperial periods for occurrences of independent people advertising in non-ambiguous terms their link to a principal and their position of praespositi. As will be seen in the following chapters, this is no easy task. To provide one single example, Cicero touches on the subject of subordinates in a discussion of the interdict unde vi. The interdict had been given to his client, A. Licinius Caecina, after he had been denied access to some disputed property. Cicero reminds the judges of the meaning of the terms of the interdict “unde tu aut familia aut procurator”:

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208 A. Watson (1965) 192, n. 1; M. Kaser, RP 17 (1971) 608, n. 27; against, P. Fabricius (1926) passim.
210 P. Garnsey, “Independent Freedmen and the Economy of Roman Italy under the Principate,” Quaderni di Storia dell’Economia e Storia Economica, 3 (1981) 59-65, esp. 59-62; J. A. Crook, Law and Life of Rome, 90 B.C. – A.D. 212 (Ithaca, NY 1967) 109-10 tentatively suggests that emancipation in the Republican period was still considered a penalty for misbehavior. This applies directly to those properties involved in economic operations requiring the intervention of agents; cf. also D. Daube, Roman Law: Linguistic, Social and Philosophical Aspects (Edinburgh 1969) 81; Y. Thomas, MEFRS 1982 556 ff., contra, J. A. Crook, “Patria Potestas,” CQ 17 (1967) 115-22, esp. 120 thinks that cases of emancipation became more and more common in the late Republic. This trend was certainly strengthened in the reign of Vespasian, when the Senatorial-consultum Macedonianum (Dig. 14.6) barred sons-in-power from taking out loans. At a later time, the ban was softened, for instance when sons-in-power were involved in the collection of taxes (Ulpianus [29 ed.] Dig. 14.6.3.1) or when they were acting with the expressed authorization of their father (Ulpianus [29 ed.] Dig. 14.6.17.15)—by the third century, knowledge and tolerance on the part of the principal was sufficient to validate the loan (Paulus [4 resp.] Dig. 14.6.10).
212 P. Fabricius (1926) 18-20 uses the evidence from the Byzantine scholiasts to reconstruct the position of classical jurists on this point and concludes that, before Justinian, only an actio utilis was given against the principal. Fabricius (21-23) identifies two cases in the Digest (Iulianus 11 dig. Dig. 14.3.12 and Papinianus [3 resp.] Dig. 14.3.19 pr.) where an actio institoria utilis (in the sense of fictitious, according to Lenel, cited by Fabricius 21, n. 1) was given on the ground that the agent was independent from the principal. This is not the only possible explanation.
It does not matter, insofar as equity is concerned, whether there was one or several slaves. It makes no difference in law whether I have been expelled by your procurator—a man who, according to the terms of the law, administers the whole property of a citizen absent from Italy or busy serving the state, who behaves almost as if he were the owner, and who acts as the legal representative of someone else—or by your farmer, your neighbor, your client, your freedman, or whoever committed such a violent eviction at your request and in your behalf. (56) Therefore, if equity always keeps the same standing when it comes to restoring someone who had been violently forced out, provided that the concept of equity is clear, it is pointless to argue about the meaning of words and terms. You must re-establish my rights if I have been expelled by your freedman, even though he is not one of your agents appointed to oversee your affairs, none the less than if it had been the deed of your procurator. And I do not mean that all people appointed to take care of one’s affairs should be called procurators, but it is not relevant to dwell on this point here.\(^{214}\)

The passage is ambiguous, and consequently, has been interpreted in opposite ways. A. Watson considers it as an unmistakable reference to free(d) institores and rejects Fabricius’s interpretation that the freedman praepositus was a procurator.\(^{215}\) The passage remains ultimately inconclusive.

Cicero provides other instances of businessmen involved in transactions on behalf of others. The best known case is that of M. Scapthus and P. Matinius who lent Brutus’s money to the city of Salamis, Cyprus in the 50’s B.C. and subsequently tried to collect usurious interests. This case does not provide any evidence for our investigation, because neither Scapthus nor Matinius were business managers in the sense of agents appointed to the head of an enterprise.\(^{216}\)

Further, Cicero explicitly describes them as procuratores.\(^{217}\)

More interesting is the case of Quintus Cicero’s vilicus, Nicophorus,\(^{218}\) who will be discussed in the next chapter. For the moment, our investigation about the employment of free institores before the second century A.D. must remain inconclusive.

5. Locus emendi vendendus

In the first chapter, I alluded to a possible change in the rule regarding the setting of the activity of institores. It is necessary to return now to this issue and to examine the economic and legal significance of the commercial facilities in enterprises run by business managers. When a landowner wanted his agent to take responsibility for carrying out agricultural work, he would determine which part of his estates he would entrust to him, what type of crop he would expect him to grow, and for what purpose. Similarly, a potter planning to open a subsidiary workshop in another province would have to decide where he would send his deputy and what type of articles he would like him to produce. In both cases, the principal had to decide on a location and on a general strategy for the enterprise.

The makeup of the enterprise was defined by the type of premises (fundus, hortus, figilinae, officina, taberna, caupona, mensa, statio, mansto, mutatio, deversorium, insula, domus, horrea, balneum, pisistrum, etc.) in which the business manager would carry out his activities. A ship (navis) was just another kind of enterprise and was not treated differently. A vilicus who had been appointed to the head of an agricultural estate in a wine-growing area would be expected to engage in wine-growing, wine-making, and perhaps wine-selling, including various operations connected with this trade, such as the provision of adequate containers, tools, and manpower. On the other hand, he was not automatically allowed to engage in moneylending. An officinator in charge of a brickyard was expected to organize the production of bricks and other types of building material, perhaps even of other types of clay articles, but it would have been inappropriate for him

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\(^{214}\) Cic., Caelin. 20.57-58: "Non enim alia causa est aequitatis in uno servo et in pluribus; non alia ratio iuris in hoc generi duemtaxat, utrum me tuus procurator deecert, is qui legitime procurator dicuit, omnium rerum cius qui in Italia non sit absumpti publice causa, quasi quidam paece dominus, hoc est aliqui uritus victorius, an tuus colonus aut vicinus aut cliens aut libertus aut quisvis qui illam vim deitionemenque tuo rogatus aut tuo nomine fecerit. (58) Qua re, si ad eum restitutionum qui vi deiectis est eadem vim habet aequitatis ratio, ea intellecta, certe nihil ad rem pertinent quae verborum vis sit ac nominem. Tam restitutis si tuus me libertus deecert nulli tuo praepositus negotio, quam si procurator deecert; non quo omnes sing procuratores qui aliud nostris negotiis gerunt, sed quod id in hac re quaciae nihil attingat." (with my emphasis)

\(^{215}\) A. Watson (1965) 192, n. 1; contra, P. Fabricius (1926) 32 "wird doch auch der Procurator technisch als praepositus bezeichnet," with reference to Scaevola (27 dig.) Dig. 20.4.21.1 ("procurator exactionis [marmorum] praepositus" who "ad lapidum venditionem officium sumum extendit") and Tullianus (54 dig.) Dig. 46.3.34.3 ("aemius negotios praepositus"). Cf. also below, about Papinianus (3 resp.) Dig. 14.3.19 fr.

\(^{216}\) Cic., Att. 5.21.10-13; 6.1.5-7; 6.2.7-9; 6.3.5-7 (51 B.C.). Cf. J. Andreau, La vie financière dans le monde romain (Rome 1987) 435.

\(^{217}\) Cic., Att. 6.1.4: "qui in regno rem Bruti procurabant."

\(^{218}\) Cic., QFr. 3.1 (54 B.C.).
to keep a restaurant or a brothel in some part of the concern, unless he was specifically appointed to do so (double *praepositus*). This point is important, as people living near subsistence level have a tendency toward diversification of their economic activities.\(^{219}\) It also explains why the Roman jurists were so concerned with establishing the scope of the appointment in order to determine the liability of the principal. This could be done on the basis of the charter of appointment (*lex praepositionis*) and on the basis of the structure of the premises.

The appointment of a manager to the head of a specific store or workshop enabled the principal to keep an eye on the activity of his agent. It also provided a guarantee for parties doing business with him. Anyone who went through the experience of buying a telephone in New York City knows the difference between a transaction conducted on the sidewalks of 14th Street and the purchase of a similar device at Bloomingdale's. The manager of this store knows that he can sell a telephone at a certain price, whereas no one would accept to pay even one fourth of this price on the street. In case of dissatisfaction with the quality of the product, the customer could expect to obtain redress from the department store, but would probably consider it useless to argue with the peddler if he chanced to run into him again. This basic economic reckoning was undoubtedly familiar to Roman businessmen and consumers.

In Roman law, a third contracting party who had successfully brought a suit against the agent or his principal would be given a condemnatory judgement, specifying the amount of the compensation to which he was entitled. If he did not receive his due within thirty days, he would bring an *actio iudicati* for the execution of the judgement. The magistrate would then pronounce the *addictio*, and the plaintiff would immediately proceed with the execution on the property of the defendant (*missio in possessionem and venditio bonorum*).\(^{220}\) The plaintiff would obtain redress only if the defendant owned some property to be seized. At this point, it made a significant difference whether or not the defendant (agent or principal) was operating a shop, or was at least tied to a piece of real estate.

In Rome, the *tabernarii* conducted their business in shops (*tabernae*) located on privately-owned or state-owned property (streets, public places, *fora* and *saepta*).\(^{221}\) In the latter case, neither the land nor the building located on it could be mortgaged to a third contracting party, because of the rule that every product or increment belongs to the owner of the soil.\(^{222}\) The shopkeeper (*superciusarius*) owned (a) the right to use the space; (b) the material, tools, equipment, and stock kept inside the shop; and (c) the servile staff operating it. This asset was liable to be seized or given as security.\(^{223}\) Hence the importance of providing a legal definition of what belonged to the shop and what did not:

When a debtor mortgaged a shop to his creditor, the question arose whether the pledge was void or whether the stock contained inside the shop was considered mortgaged. And if the debtor sold this stock over a period of time, bought replacement, and carried it inside the shop before he died, could the creditor bring a suit on the mortgage and claim everything that was found inside the shop with regard to the replacement of the stock? He replied that what was found inside the shop at the time of the debtor’s death would be considered mortgaged.\(^{224}\)

In this context it was vital for the jurists to come up with a universally accepted definition of what was considered a *taberna*. Ulpianus defines it as follows: “the term *taberna* is used about any building which is not fit for dwelling. The word stems from the fact that a *taberna* is walled with slabs (*tabulae*).”\(^{225}\) This definition focuses on the specification of spatial limits, but does not deal with the purpose

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\(^{219}\) Cf. Chapters Three and Four.


\(^{222}\) Gai., *Inst.* 2.73: “... supericies solo edit.”

\(^{223}\) Ulpianus (*44 ad Sab.*) Digg. 18.1.32: “Qui tabernas argentarias vel ceteras quae in solo publico sunt vendit, non solum, sed etiam vendit, cum ipsa tabernae publicae sunt, quorum usus ad privatos pertinent.” M. Kaser, *RP* 17 (1971) 456 considers this point as controversial.

\(^{224}\) Staevoli (*27 dig.* Digg. 20.1.14 prz.: “Cum tabernam debitorem creditoris pignori dederit, quosiam eum, utrum eo facto nihil egetur an tabernae apppellatione merces, quae in ea erant, obligasse videat alius? et si eas merces per temporae transgressit et alius comparaverit easque in eam tabernam intulerit et decesserit, omnia quae ibi deprehenduntur creditor hypothecaria actione petere possit, cum et mercium species mutatae sint et res aliae illatae? respondent: ea, quae mortis tempore debitoris in tabernam inventa sunt, pignori obligata esse videtur.”

\(^{225}\) Ulpianus (*28 ad Ed.*) Digg. 50.16.183: “Tabernae appellatio ornem aceditum <non> utile ad habitandum [non] ex eo quod tabulis cluditur.” The correction was proposed by Th. Mommssen.
of the facility and its scope. It can apply to any type of enterprise, but also to premises without economic purpose. Further precision is required and provided by the same jurist: "This is our understanding that an equipped taberna comprises all things and people suitable for its operation."²²⁶ The content of every shop was thus determined by the nature of the activity carried out there.²²⁷ The managers themselves belonged to the enterprise and were transferred with it.²²⁸ Consequently, the execution on the property of the principal in result of a suit brought on the actio insititia had a flavor of noxal surrender (cf. above).

In Roman times, an enterprise was an economic unit oriented toward the production of goods or services, and was composed of one or several persons using capital in order to make a profit, or at least to provide for the needs of the entrepreneur. This capital included a place and means of production, a staff, and raw material. It was either owned by the entrepreneur or taken on lease. In the latter case, it was necessary to determine who supplied what, and we have some evidence that the Roman jurists tried to set forth clear legal standards for farm leases at an early stage. It is likely that similar principles were applied to other forms of commercial leases.²²⁹ Besides, the legacy of premises on which enterprises were established gave rise to a sophisticated jurisprudence, starting in the

²²⁶ Ulpius (26 ad ed.) Dig. 50.16.185: "Instructum autem tabernam sic accipicium, quae et rebus et hominibus ad negotiationem paratam constat."
²²⁸ Pomponius (6 ad Sab.), quoting Servius, Dig. 33.7.15 fr.: "Si sit testamento scriptum sit: 'quae tabernarum exercendarum instruendarum piscinae cauza facta parataque sunt, do leges', his verbis Servius respondit et caballos, qui in piscinis essent, et pistores, et in cauponio insitores et focarium, mercum, quae in his tabernis essent, legatas videri." In the Formula Baticca (FIRA III, no. 92, pp. 295-97), the slave Midas is transferred together with the fundus Basanus to which he is attached. Cf. also Paulus (4 ad Sab.), citing Neratius, Dig. 33.7.13; Papinius (7 resp.) Dig. 32.91.2; and Scaravino (22 dig.) Dig. 33.7.7. Cf. E. M. Staerman—M. K. Trofinova, La scettura nell'italia imperiale (Rome 1975) 78. Contrary, Alfinus Varus, cited and rejected by Ulpius (20 ad Sah.) Dig. 33.7.12.2, considers that no living being (animal, a category including slaves) could be part of the equipment.
²²⁹ B.W. Frier, "Law, Technology, and Social Organization: The Equipping of Italian Farm Tenancies," ZRG 96 (1979) 204-28, based on the study of Ulpius (92 ad ed.), quoting a letter from L. Neratius Priscus to Titus Atrimo, Dig. 19.2.19.2. I do not see why Frier doubts that shop leases would be treated like farm leases (216-17, n. 66).

Republican period onwards and aimed at defining the makeup of each economic unit in terms of staff, livestock, tools, and raw materials. As could be expected, the most extensively discussed type of enterprise is the agricultural estate.²³⁰ The economic unit is indifferently referred to as fundus, villa, ager, praedia, saltus, pasca, and prata. According to Sabinus, the staff is composed of two groups of persons, those who work the land and those who supervsire them.²³¹ The size and level of specialization of the staff varies accordingly with the size and structure of the enterprise. It is understood that some members of the staff may not be working on the premises. This is the case when the manager is temporarily on a business trip, or when some of the workers have been sent away to get supplementary training, or have been temporarily removed for whatever reason.²³² Conversely, some of the people living on the premises may not be included in the staff. Under-servants (vicarii) are normally excluded, as are craftsmen attached to a villa whose services bring their master a yearly salary.²³³ The equipment (instrumentum) of the enterprise consists of those items without which the purpose of the enterprise could not be achieved. It does not include the fixtures, because they are part of the premises.²³⁴ The equipment of an economic unit is limited to the bare minimum, and is sometimes shared with other units. In this case, the owner freely decides which unit is dominant in comparison with the others.²³⁵

A business (negotium) could be divided into several units of production/distribution (branches or outlets). Ulpius considers that they should be regarded as separate managerial units with distinct accounts.²³⁶ Conversely, two or more businesses could be carried

²³⁰ Excerpts of this jurisprudence are preserved in the Digest (33.7). Cf. A. Steinwenter, Fundus cum instrumento (Vienna-Leipzig 1942); and below, Chapter Three.
²³¹ Ulpius (20 ad Sah.), quoting Sabinus (Ad Vit.), Dig. 33.7.8 fr.: "... veluti homines qui agrum colunt, et qui eos exercen praeospositum sunt in, quorum in numero sunt vilici et monitores."
²³² Papinius, quoted by Ulpius (20 ad Sah.) Dig. 33.7.12.38; Scaravino (3 resp.) Dig. 33.7.20.4 and 6; and idem (6 dig.) Dig. 33.7.27.1.
²³³ Celsius, quoted by Ulpius (20 ad Sah.) Dig. 33.7.12.44; and Paulus (13 resp.) Dig. 33.7.19.1.
²³⁴ Pomponius (1 fidicinum) Dig. 33.7.21: "... quaecumque infixa (adfixa) inaedificiatoque sunt... ut partes aedificiorum esse videantur."
²³⁵ Ulpius (20 ad Sah.) Dig. 33.7.12.14.
²³⁶ Ulpius (29 ad ed.) Dig. 14.4.5.16: "Sed si duas tabernas eiusdem negotiationis exercerit et ego tabernae verbi gratia quam ad Bucinium habuit ratio-
out within the same premises by the same manager(s). If the principal was sued for distribution of the stock (merx peculiaris), the creditors of each business were treated separately and had access only to that part of the equipment directly related to the business they were involved in.\textsuperscript{237}

The concern of classical jurists with the definition of shop or farm equipment tends to obscure the fact that a significant part of business transactions was carried out in places where little or no real guarantee could be offered to third contracting parties. The business transactions of shipmasters, for instance, suffered somewhat from the fact that ships are transient, and that the mobility of agents was an obstacle to a proper assessment of their condition and credit.\textsuperscript{238}

The advantage and necessity of doing business through agents forced third contracting parties to ease their expectation in relation to the security provided by the association of agents with a fixed place of activity, and it seems that progressively the actio institoria was given in cases involving transactions performed by anybody, regardless of the localization—or localizability—of the appointment.\textsuperscript{239}

The detailed history of this evolution cannot be traced, but a working hypothesis will be presented in the next chapter in connection with the rise of actores.

**D. Relationship between principal and agent**

The relationship between principal and agent was determined by several factors: (a) the legal status of the parties, in particular of the agent; (b) the social situation of the parties toward each other; (c) the gratuitous or onerous nature of the relationship; and (d) the willingness of each party to form a relationship of agency.\textsuperscript{240}

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\textsuperscript{237} Ulpianus (29 ad ed.) Dig. 14.4.5.15: "Si plurum habuit servos creditores, sed quosdam in mercibus certis, unam ses inidem confundendo et unam in tributum vocandi? Un putu duas negociationes exercet, putu sagarium et linteum, et separatim habuit creditores. Puto separatim eos in tributum vocari: unusque enim eorum merces quam ipse creditit."

\textsuperscript{238} Ulpianus (28 ad ed.) Dig. 14.1.1. pr. Cf. above.

\textsuperscript{239} Paulus (sive de car. lect.) Dig. 14.3.18: "Institor est, qui tabernae locave ad emendum vendendumve praeponitur quique sine loco ad eundem actum praeponitur."

\textsuperscript{240} F. Serren, Enciclopedia del diritto 21 (1971) 832.

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1. **Non-contractual relationships (potestas, manus)**

The legal capacity to own property and to make contracts was a prerequisite for people who wanted to rely on business agents. If this condition was not fulfilled, for instance when the principal was independent and did not enjoy the right to enter into valid legal transactions in Roman law (commercium), the transaction would be legally void if the agent was a dependent of the principal. If the agent was independent, he alone would be liable to an actio directa. If the principal was himself dependent, any remedy arising from transactions performed by his agent would be given against the principal's master (paterfamilias).\textsuperscript{241}

Let us assume from now on that this condition of status was fulfilled, namely that the principal was a free adult Roman citizen independent from parental power. If the agent was a dependent of the principal, either a relative (son, daughter, wife in manu, or any descendant through males) or a slave (or a person in mancipio), the agency relationship rested on the power of the head of the family (manus or potestas), and the legal capacity of the agent was directly derived from that of the principal. Their relationship was non-contractual, and disagreements arising between them did not give rise to a remedy and could not be settled in court. It was merely a family matter: the Roman legal system had no bearing on—and no interest in—the issue. However, any transaction between principal and agent could give rise on either side to natural obligations, which could have some consequences after the agent’s emancipation or manumission. This is probably the reason why some master-slave relationships are sometimes described in legal terms.\textsuperscript{242}

Then, the contract between master and slave—or father and son-in-power—

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\textsuperscript{241} Ulpianus (28 ad ed.) Dig. 14.1.1.19: "Si is, qui navem exercerit, in aliena potestate erit eiusmod voluntate navem exerceret, quod cum magistro eius gestum erit, in eum, in eum potestae erit qui navem exerceret, iudicium datum."

\textsuperscript{242} An example of such relationship is provided by Alfenus Varus (2 dig.) Dig. 15.3.16: "Quidam fundum coelendum servo suo locavit et hoes ei dedet at..."

A. Watson (1965) 186 explains this text by saying that the sort of commercial transaction existing between master and slave would not have been possible, had not the slave had a peculium. As we have seen above, the peculium of the slave was an entity that was distinct from the res familiae of the master, in relation to which the peculium could be creditor or debtor, cf. I. Buti (1976) 131-38. This point will be discussed in the next chapters.
was void and did not give grounds for a suit at law.\footnote{A. Watson, *The Contract of Mandate in Roman Law* (Oxford 1961) 65} Such contracts were fictitious, because the *peculium* entrusted to a slave (*serus quasi colonus* and others) did not bestow on him a personal legal capacity distinct from his master’s.

If the agent was an extraneous slave (*serus alienus*), his relationship toward the principal was determined by contract or quasi-contract between the principal and the slave’s owner. All rights and liabilities acquired by the slave in his dealing as agent belonged to his master, who transmitted them to the principal in accordance with the contractual arrangement. Disagreement between the principal and the slave’s owner were settled through litigation, each party having a remedy on the contract on which the relationship was based (stipulation, mandate, hire, unauthorized administration).

If the agent was independent, the relationship between principal and agent was likewise based on a contractual arrangement. Each party to the contract had obligations and rights toward the other, and disputes were settled through litigation by the means of remedies based on the contract (cf. below).

2. *Opare Liberorum*

When the agent was a freedman, his relationship toward the principal might rest upon his pledge to perform labor services (*operae*) for his former master, whether he worked for him or for a third party at the request of the former master.\footnote{The main sources are Dig. 38.1; *Cod. Iust. 6.3*; Cf. M. Kaser, *RP* I (1971) 299-301; and W. Waldstein, *Opare Liberorum. Untersuchungen zur Dienstpflicht frig. gelassener Sklaven* (Wiesbaden/Stuttgart 1986). About the power retained by the former master over his freedmen, cf. M.A. Levi, “Liberti in manu,” *Laba* 22 (1976) 73-80.} The obligation to perform *operae* arose from an oath sworn before manumission and repeated afterwards. This obligation was actionable in law. It is not clear how often this type of social bond formed the basis of agency relationships: J.A. Crook, for instance, claims that freedmen performing *operae* are attested working for their patron as bailiffs and *exercitores*.\footnote{J.A. Crook, *Law and Life of Rome, 90 B.C. – A.D. 212* (Ithaca, NY 1967) 191, without providing any evidence.}

However, one should point out that *operae* normally consisted of a limited number of entire workdays that could not be subdivided into shorter periods.\footnote{Pomponius (6 ad Sib.) Dig. 38.1.3. Cf. W. Waldstein (1986) 209-14.} This provision, as well as other restrictions concerning the type of services that could be requested from freedmen, may have prevented patrons from using their rights to their freedmen’s *operae* as a basis for permanent agency. It is possible that originally, in the absence of praetorian regulation, former masters were exacting from their freedmen the performance of services on a more regular basis.\footnote{Ulpianus (38 ad ed.) Dig. 38.1.2 pr.} The classical jurists, however, seem to have been rather flexible about the enforcement of these restrictions: Celsus, for instance, acknowledges the validity of a freedman’s commitment to perform services for a period of one thousand days.\footnote{Ulpianus (38 ad ed.), citing Celsus, Dig. 38.1.15.1. Cf. W. Waldstein (1986) 308 ff.; and 380.}

Another obstacle to the employment of agents performing *operae* arose from the fact, reported by Iavolenus, that services should be performed where the patron usually lives.\footnote{Iavolenus (6 ex Cass.) Dig. 38.1.21.} The purpose of the rule was evidently to protect freedmen from being sent away to the middle of nowhere, but could clearly be invoked by freedmen living far away from their former master in order to escape from their duty. Since one of the main reasons for relying on agents to perform legal transactions was the expected absence of the principal, it made little sense to employ freedmen whose services could be used only where the principal stayed. However, the situation was different if the appointment of the agent was prompted by the unwillingness of the principal to be personally involved on account of the demeaning nature of the business.

These obstacles, however, were more theoretical than real. Agency could work effectively only if both agent and principal agreed to the relationship. Then, the agent could waive his rights concerning the performance of his labor services.
3. Contractual relationships

In the discussion about the technicalities of the actio exercitoria, Ulpianus points out that a shipper had no legal remedy against third contracting parties who had negotiated a contract with his independent shipmaster. Ulpianus argues that the principal could avail himself of the actio ex locato or mandati to compel the shipmaster to transfer to him the remedies arising from the transaction. The choice between the two remedies rested upon the nature—onerous or gratuitous—of the relationship between principal and agent. Likewise, if the agent was an extraneous slave (serus alienus), the principal could sue the slave’s master on the same contracts—hire or mandate—in order to force him to transfer the remedy which would entitle him to bring a suit against third contracting parties for the agent’s transactions.

It may have happened that there was no preestablished contractual relationship between the principal and the person acting as agent. This was particularly the case when the agent took the initiative of administering the affairs of the principal (negotium gestum), insofar as this initiative was ratified later by the principal, or did not meet any opposition or complaint on his part once he became aware of it. Ulpianus says that the principal, who had no remedy against third contracting parties, could sue the agent—provided that he was not one of his dependents—or the agent’s owner on the basis of his unauthorized administration.

Thus, any transaction could be performed by the agent either as a favor to the principal or in exchange for a fixed compensation (merces). In the first case, the relationship between independent

agent and principal was governed by the law of mandate or unauthorized administration; in the second case, it was governed by the law of hire.

a. mandate and procuratio

Like other consensual contracts giving rise to a claim based on the good faith of the parties (bonae fidei iudicium), the contract of mandate was introduced probably in the second century B.C. It was based upon the intention of the parties to enter into a legal relationship and upon their agreement as to the object of the contract. Its origin lay in the fulfillment of duties connected with friendship. Consequently, the service done by the mandatory was necessarily free of charge and could not result in worsening the condition of the mandator. As a rule, the contract was void if it benefited the mandatory only, to the exclusion of the mandator, because it amounted to nothing more than mere advice (constitutum). Thus, the contract had to benefit either the mandator or a third party (or both). According to H.T. Klam, “the contract of mandate was a kind of intermediary form between non-contractual services and locatio conductus.”

A breach of contract and other legal disputes originating in the contract gave rise to an actio mandati directa (given to the mandator, for instance for the assignment of the mandatory’s remedies), and to an actio mandati contraria (given to the mandatory, for instance for the reimbursement of expenses incurred in good faith in carrying out the mandate). In both cases, the defendant, if condemned, was branded with infamia.

The conclusion of the contract of mandate did not require a particular form. The agreement of the parties could be expressed

250 Ulpianus (28 ad ed.) Dig. 14.1.1.18: “Sed ex contrario exercerti navem adversus eos, qui cum magistro contraxerunt, actio< nem > (Mommsen) non pollicetur, quia non eodem auxilio indigebat, sed aut ex locato cum magistro, si mercedem operam ei exhibet, aut si gratuitum, mandati agere potest.”

251 Paulus (29 ad ed.) Dig. 14.1.5 pr.: “Ex locato tamen mecum aces, quod operas servis mei conduexes, quia et si cum alio contrexisset, aegeres mecum, ut actiones, quas eo nomine habuisti, ibi praestaret, quemadmodum cum libero, si quidem conduexes, experieris: quod si gratuitae operae fuerint, mandati aces.” Cf. also following note.

252 Ulpianus (28 ad ed.) Dig. 14.3.1: “... sed non idem facit circa eum qui institurem praeposuit, ut experiri possit: sed si quidem servum primum institurem habuisti, potest esse securus acquisitus alicubi actionibus: si autem vel alieum servum vel etiam hominem liberum, actione deficietur: ipsum tamen institurem vel dominiu eius convenire poterit vel mandati vel negotiorum gestorum.”

253 The main sources are Gai., Inst. 3.155-162; Dig. 17.1; Paulus, Sent. 2.13 and 2.15; Cod. Iust. 4.35; Inst. Iust. 5.26. Cf. A. Watson, The Contract of Mandate in Roman Law (Oxford 1961); idem (1965) 147-56; M. Kaser, RP 15 (1971) 577-80, with more bibliography.

254 Paulus (32 ad ed.) Dig. 17.1.1.4 and 17.1.3 pr. A similar provision applied in the case of a procurator, cf. Paulus (54 ad ed.) Dig. 3.3.49.


256 Ulpianus (23 ad ed.) Dig. 17.1.45; and Paulus (5 ad Plaut.) Dig. 17.1.45 pr.

257 Gaius (9 [10? ] ad ed. prof.) Dig. 17.1.27.4.

through the utterance or writing of any word ("rogo," "volo," "mando," etc.) by the mandator, and through its acceptance by the mandator. The presence of the parties was not even required, since Paulus says that the contract could be entered into through a messenger or a letter. If the parties failed to reach an explicit agreement about the nature and the purpose of the mandate, there was no contract, and therefore no remedy on the mandate for either party. The absence of a bilateral agreement, however, did not preclude a legal relationship from arising between the parties, who could then avail themselves of a remedy for unauthorized administration (actio negotiorum gestorum), unless the principal had opposed any interference by the would-be agent. The scope (fines and forma) of the mandate had to be scrupulously observed and not departed from, otherwise the mandator was liable toward the mandator for not carrying out the task that he had undertaken. The mandate was extinguished by the withdrawal or death of one of the parties before its inception. Once started, the mandate had to be fulfilled, and the remedy was given to or against the heir of either party.

A particular situation existed when the mandatory was a procurator in charge of administering the affairs of the principal/mandator, or of conducting a lawsuit in his behalf (ad ilitem). As Ulpianus puts it, "it is of the utmost necessity for those people who are un-

259 Paulus (32 ad ed.) Dig. 17.1.1.2. The same is true about procurator, cf. Ulpianus (9 ad ed.) Dig. 3.3.1.1.
260 Paulus (9 ad ed.) Dig. 17.1.40. Cf. below.
261 Paulus (32 ad ed.) Dig. 17.1.5 pr.; and idem (74 ad ed.) Dig. 17.1.46.1.
262 Paulus (52 ad ed.), quoting Iulianus, Dig. 17.1.26 pr.; and Gaius (9 ad ed. pr.) Dig. 17.1.27.3. Cf. P. Meylan, "Révocation et renoncement du mandat en droit romain classique," Studi G. Grossi I (Turin 1968) 463-82.
263 Paulus (4 quaest.) Dig. 17.1.50 pr.
264 Ulpianus (9 ad ed.) Dig. 3.3.1 pr.: "Procurator est qui aliena negotia mandatuo domini administrat." Cf. also Ulpianus (31 ad ed.), citing Iulianus, Dig. 17.1.6.6; and Papinianus (3 rep.) Dig. 17.1.7, etc. On the procurator, cf. A. Watson (1961) 36-60; and idem (1965) 193-206; O. Behrends, "Die Procuratur des klassischen römischen Zivilrechts," ZRG 88 (1971) 215-99; P. Angelini, Il procuratore (Milan 1971); and M. Kaser, ZRG 91 (1974) 186-202, who suggests (186, n. 152) that Dig. 3.3.1 pr. may be genuine.
265 Ulpianus (31 ad ed.) Dig. 17.1.8. Most of what is said in Dig. 3.3 refers to the procurator ad ilitem, but since its classical origin is no longer to be questioned (cf. A. Watson [1961] 56-60), it can be surmised that in many aspects the other kinds of procuratores were treated in the same way.
266 It would be wrong to equate procurator and mandator, at least before the classical period, because there were cases where the procurator was a paid employee or was acting in his own interest. In other cases where a procurator was involved in litigation in someone else's behalf, he was acting without mandate. Consequently, the procurator had to guarantee that his principal would ratify his acts, hence the rule "ratification equals mandate." A. Watson convincingly demonstrates that procuratio and mandatum were equated only in the second century A.D. after a long historical evolution, and that they had started as two different institutions. At an earlier stage, the relationship between principal and procurator was governed by the remedy for unauthorized administration, and was almost certainly not gratuitous. Originally, the procurator was normally a former slave of the principal, and because of his inferior social status, his agreement to the relationship was not instrumental. On the other hand, the procurator had a wider power of administration than the mandatory, because of his tie to the principal's household. For instance, the procurator had the capacity to acquire possession for his principal earlier than the mandatory (cf. above) and was subjected to a different standard of liability (dolus und culpa).

266 Ulpianus (9 ad ed.) Dig. 3.3.1.2.
267 A. Watson (1961) 43-44 shows that Papinianus was the first jurist to consistently treat in legibus and in procuratio as the same thing, cf. (3 rep.) Dig. 3.3.68; (1 rep.) Dig. 17.1.55; (3 rep.) Dig. 17.1.56.4; (7 rep.) Dig. 34.3.23; (2 rep.) Dig. 41.2.49.2; and (12 rep.) Dig. 46.8.3 pr. About the historical development of the procurator, cf. J. H. Michel, "Quelques observations sur l'évolution du procurateur en droit romain," Studia J. Macquenon (Aix-en-Provence 1970) 515-27; and M. Kaser, RP II (1971) 265-66.
268 Ulpianus (31 ad ed.), discussing Labor's opinion, Dig. 17.1.10.9; and Paulus (8 ad ed.) Dig. 3.3.42.2. This text obviously refers to a procurator ad ilitem, but by the third century A.D. the procuratio omnium rerum (Paulus [3 ad ed.] Dig. 2.13.9 pr. (apt?) and eius usus (Africanus [8 quaest.] Dig. 47.2.56.1,5 [apt?]?) gave rise to an actio mandati; cf. A. Watson (1961) 39-41; 45-61; 51; and 55.
269 Ulpianus (9 ad ed.) Dig. 3.3.35 pr.
270 Ulpianus (30 ad Sub.) Dig. 46.5.12.4: "ratibus habito manendo comparatur," idem (9 ad ed.) Dig. 3.3.29.1; idem (10 ad ed.), citing Petrus, Dig. 3.5.6.11 (apt.); "sed ratibus habito manendo comparatur," idem (9 ad ed.) Dig. 3.3.35 pr. against Pomponius, Dig. 3.3.8.9.
271 Celsius (38 dig.) Dig. 17.1.50 pr. Cf. also M. Kaser, RP II (1971) 587.
A procurator could take care of all his principal’s affairs (procurator omnium rerum); this was probably the earliest type of procurator. Otherwise, he could carry out a single (type of) transaction (procurator unius rei). Pomponius records that some jurists did not consider this second type of agent as procurator, which suggests that there might have been originally a more drastic contradistinction between procurator (as a long term general agent) and mandator (as an occasional agent).

There were some restrictions pertaining to the appointment of a procurator. In public affairs, for instance, the actio civilis was not entitled to appoint a procurator. The reason for this is probably that public actors were direct representatives of the community and of its officials (administratores rerum civilis), and that there was no reason to allow them to delegate the very tasks for which they had themselves appointed.

The procurator entrusted with unrestricted power of administration was entitled to exact and make payments, and to perform novations and exchanges of things. A. Watson states that “it is generally agreed that in classical law the procurator had power to alienate his principal’s property without special authorization and that the terms which restrict this power have been interpolated.” However, some restrictions existed or were possibly introduced after the classical period. In accordance with the rule that agents could not make the position of their principal worse, the procurator was barred from transferring the principal’s property, except for fruits and other perishable items, unless he had been given a special mandate to do so.

Originally, a strict legal distinction existed between procuratores and institores. In reference to their respective economic functions, procuratores were normally not appointed to the head of an enterprise, and therefore had wider powers of administration than institores. This translates in terms of social status by the fact that procuratores usually ranked higher than institores. We have even seen that the latter could be appointed by the former. As a result of some obscure historical development, probably linked with the extension of the actions institoria and exercitoria to cases involving extraneous agents, this legal and social distinction seems to have lost its significance by the early third century A.D. Papinianus was the first to recognize the propriety of granting an actio utilis ad exemplum institiorum in a case involving a procurator appointed by his principal for the purpose of borrowing money. The mandate to carry out a specific transaction was additional to the procuratorship, and the liability for the transactions conducted by the procurator within the scope of this special appointment lay with both the procurator and his principal. The final stage was reached with the promulgation of an imperial rescript in A.D. 294, which possibly widened the scope of validity of the actio institiorum to cases where the transaction was carried out by a mere mandator, who was not even a procurator. Thus, it seems that precepto sequitur and mandate ended up having the same legal effect.

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273 A. Watson (1965) 193-98 shows that the function was given legal recognition by the time of the Lex agraria of 111 B.C. (PIRA I, no. 8, line 69, pp. 115-16). Cic., Gaecin. 20.57 provides the earliest definition: “in qui legitime procurator dictatur, omnium rerum eius, qui in Italia non sit ab iste Rei publicae causa, quasi quidam paene dominus, hoc est alieni iuris vicarius.” A. Watson (1961) 6-7 rightly considers it as too narrow.

274 Ulpianus (9 ad ed.), citing Pomponius, Dig. 3.3.1.1.

275 Ulpianus (4 ad ed.) Dig. 3.3.74.

276 Paulus (1 manual) Dig. 3.4.10.

277 Paulus (71 ad ed.) Dig. 3.3.58, and idem (10 ad Plaut.) Dig. 3.3.59.

278 A. Watson (1965) 203-06, with a discussion of the only Republic text (Paul 3 epit. Afr. dig.), with reference to Alfenus, Dig. 5.4.9. Cf. above.

279 Modestinus (6 diff.) Dig. 3.3.63. Cf. M. Kaser, RP I (1971) 266, n. 47; idem, RP II (1975) 101, n. 8; idem, ZRG 91 (1974) 188, n. 154. A. Watson (1961) 50 points out that the fragment was “regarded as a mass of interpolations,” but cautions that modern authors advocating this position have gone too far.

280 Ulpianus (28 ad ed.) Dig. 14.3.5.18; and Paulus (30 ad ed.) Dig. 14.3.6.

281 Papinianus (3 resp.) Dig. 14.3.19 pr.: “In eum, qui mutius accepit pecuniam procuratorem praeposuit, utilis ad exemplum instititorum debitur actio: quod aequum faciendum erit et si procurator solvendo sit, qui stipulanti pecuniam promissit” (the last sentence is probably a post-classical addition, cf. A. Burdeus, BDIR 74 [1971] 64). This innovation by Papinianus is cited twice by Ulpianus (31 ad ed.) Dig. 17.1.10.5 and (32 ad ed.) Dig. 19.1.13.25 (both genuine according to M. Kaser, ZRG 94 [1971] 196, n. 187). Cf. also Papinianus (2 resp.) Dig. 3.5.30(31) pr.: “Liberto vel amico mandavit pecuniam accepisse mutuam: cuibus litteras creditor sequuntur contraxit et fideiussor intervenit: eiusmodi pecuniam non sit in rem eius versa, tamen debit in eum negotiarii gestorum actio creditorii vel fideiussorii, accliti ad exemplum instititorum actionis” (both A. Burdeus [p. 75] and F. Serrao, ED 21 [1971] 851, n. 17 suggest to read at the beginning “libero procuratori domini...”). On the actio quasi institiorum, cf. N. Benke, “Zu Papinianus actio ad exemplum institiorum actionis,” ZRG 103 (1988) 592-633, who cites the previous bibliography.

ever, in the absence of specific mandate, the procurator remained liable for his own transactions, and no remedy would be given against the principal.\(^{283}\)

b. unauthorized administration (negotium gestum)
If someone had managed the affairs of an absentee without his request, permission, and knowledge, the praetor gave the unauthorized administrator a remedy against the absentee for any expenditure and obligation he had incurred in the furtherance of the absentee’s interests.\(^{284}\) Conversely, the absentee was given a remedy against the unauthorized administrator of his affairs to force him to give an account of his activity and to condemn him for not taking the appropriate steps or for keeping a transaction fee.\(^{285}\) This remedy was called actio (directa or contraria) negotiorum gestorum and was concerned mainly—if not only—with the fraud of one of the parties.\(^{286}\) The standard of liability of the administrator, however, seems to have been his diligentia, and Pomponius states that the administrator would have to answer for his negligence (culpa) and his fraud (dolus), while Proculeius even included liability for accident (ausus).\(^{287}\)

Like the contract of mandate, the unauthorized administration had to be gratuitous, otherwise the unauthorized administrator was regarded as taking care of his own business. If the principal had benefited from the transactions of an unauthorized administrator, the latter had a remedy against him for the amount of his enrichment.\(^{288}\) Besides, the gratuitous character of the relationship between principal and administrator is underlined by the requirement that even fraudulent claims made by the administrator had to be transferred to the principal.\(^{289}\)

On the other hand, the unauthorized administrator was entitled to receive full compensation for his expenses, including the interests that could have been received on the money spent on the principal’s business.\(^{290}\) Compensatory payments were limited to what ought to be spent, and were not expected to match unnecessary expenditures on the part of the administrator.\(^{291}\)

Unauthorized administration is comparable to procuratorship in that the performance of a number of transactions could give rise to a single obligation, unless the administrator had the intention to remove himself from the situation upon completion of each of them. The administrator’s will (voluntas) could repeatedly induce him to take care of someone else’s affairs, and thus, each occasion would give rise to a new obligation, in the same way as a procurator omnium rerum would be held under a general obligation, while a procurator unius rei would be held liable individually for each of the transactions he had been entrusted with.\(^{292}\)

If a free person acting in the genuine belief that he was a slave performed a transaction on someone else’s behalf, he had a remedy for unauthorized administration against his assumed principal. Thus, the remedy was available when the agent had given the principal a sum of money raised as a loan, unless the money had been used to reimburse the creditor.\(^{293}\) Conversely, Labeo says that if a principal had given a mandate to a man who genuinely thought that he was the mandator’s slave (homo liber bona fide servorum), this man was not held liable on the contract of mandate, because his performance was secured through compulsion. But he was liable to a remedy for unauthorized administration brought by the principal, because the intention (affectio) of the agent was not in doubt.\(^{294}\)

A remedy for unauthorized administration was given by analogy with the actio institoria against a mandator to the creditor and/or


\(^{285}\) Gaius (3 ad ed. prog.) Dig. 3.5.2.

\(^{286}\) Ulpianus (10 ad ed.), quoting Labeo, Dig. 3.5.3.9.

\(^{287}\) Ulpianus (10 ad ed.) Dig. 3.5.5(6).14(12); and Pomponius (21 ad Q. Mucium), citing Proculus, Dig. 3.5.10(11).

\(^{288}\) Ulpianus (10 ad ed.), citing Labeo, Dig. 3.5.5.5(3).

\(^{289}\) Ulpianus (10 ad ed.) Dig. 3.5.7(8).1.

\(^{290}\) Paulus (2 ad Nerat.) Dig. 3.5.18(19).4.

\(^{291}\) Paulus (27 ad ed.) Dig. 3.5.24(25).

\(^{292}\) Paulus (7 ad Plaut.) Dig. 3.3.13(16).

\(^{293}\) Ulpianus (10 ad ed.), perhaps following Labeo, Dig. 3.5.5.7(3); and Paulus (4 quaest.) Dig. 3.5.35(36).

\(^{294}\) Paulus (2 ad Nerat.), citing Labeo, Dig. 3.5.18(19).2.
guarantor of a loan made out to a freedman (procurator) or friend acting on the basis of a mandate. In this case, the mandate was considered as the principal, the mandator/debtor as the agent (quasi institor), and the creditor and guarantor as the third contracting party. The remedy is labelled "ad exemplum institoriae actionis" because the mandate consisted of a single transaction.

C. Lease and hire (locatio conductio)

Locatio conductio as a consensual contract goes back at least to the time of Quintus Mucius Scaevola (cos. 95 B.C.). and perhaps as early as the time of Plautus (Asul. 455-457) or Cato (Agr. 144-145). It is not clear when and in which order the different types of locatio conductio were created, but legal scholars seem to agree upon a date as early as—if not earlier than—the introduction of the mandate, i.e. the second half of the second century B.C.

The most important feature of this type of contract was the agreement of the parties about the rent/salary/reward (merces), paid usually in money, in exchange for job opportunity (opus faciendum), for services (operae), or for the temporary use of some definite commo-

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295 Papinianus (2 resp.) Dig. 3.5.30(31) pr. Cf. above.
296 Ulpianus (28 ad ed.) Dig. 14.3.5.16: “Item fideiussori, qui pro institore interventerit, institoria competit . . .”
297 A. Watson (1961) 81. The mandate to accept a loan was equivalent to a praepositor (Ulpianus [31 ad ed.], citing Papinianus, Dig. 17.1.10.5, cf. above). Cf. also N. Beneke, ZRG 105 (1988) 611-21, esp. 613-14, n. 107. The text by Papinianus (2 resp.) Dig. 3.5.30(31) pr. presents major difficulties of interpretation, and the passage "vel fideiussor, scilicet ad exemplum institoriae actionis" has been considered interpolated on the basis of the comparison with Papinianus (3 resp.) Dig. 14.3.19 pr. and Ulpianus (32 ad ed.), citing Papinianus, Dig. 19.13.12.5.
298 Cic. Off. 3.17.70; and Nat. D. 3.50.74.
300 A. Watson (1961) 9-10 favors the following chronological order: locatio conductio operis faciendis (first developed in state contracts); locatio conductio operarum; and locatio conductio resi. Cf. also P. Leuregans, “L’origine administrative du terme locatio dans la locatio-conductio romaine,” Études 65 (1977) 303-22, with a good collection of the evidence.

301 The merces was paid in kind in a few types of transactions (negotia partitaria) involving work to be done or services, where the remuneration amounted to a share in the product or produce, cf. A. Watson (1965) 101-05.

302 Ulpianus (28 ad ed.) Dig. 14.3.11.8: “Si a servo tua operas facias eius consuetu et eum merci meae institore merce dicisse, tibi mercem vendideris, empiot est: nam cum domino a servo emit, est empiot, licet non sit domino obligatus, usque adeo, ut etiam pro empotio et possidere ut usucapere domini possit;” and Iulianus (11 dig.) Dig. 14.3.12: “et idaei utilis instititor actio adversus me tibi competet, mihi vero adversus te vel de peculio dispensatoris, si ex condicto agere velim, vel de peculio vicarii, quod ei mercem vendendam mandaverim; et utemque, quo emisti, in re tua versum videri potest, co, quod debit servit tibi facies esse.” About the validity of the sale by the slave praepositus to his master (different from the principal), cf. 1. Buti (1976) 107-08, n. 80, quoting S. Riccobono and referring to ratio naturalis as opposed to ratio civili. In my opinion, the sale is valid because the legal capacity of the slave is an extension of the legal capacity of the principal, which supersedes that of the master.

303 Pomponius (6 ad Sab.), quoting Servius, Dig. 33.7.15 pr.; Scaevola (22 dig.) Dig. 33.7.7; and Papinianus (7 resp.) Dig. 32.91.4. Cf. above.
the facilities and the material entrusted to him. If the agent was a *serus alienus* and stole from his principal or caused him a loss, the principal could sue the agent’s master with a noxal remedy, but not on the contract of hire.305

E. Conclusion

Due to its extreme formalism rooted in the archaic period, Roman law lacked the concept of direct agency. Short of reversing this situation, the praetor responded to the needs of businessespeople by creating a legal system based on existing structures of Roman society (slavery and the unitary character of the family), with advantages similar to those which direct agency would have offered. This solution provided the elite with a way of skirting the social prohibition against becoming personally involved in business ventures, as had been enacted through statutory law in the late third century B.C.306 In addition, it established the legal basis of a managerial system which made possible and profitable the extension—both in terms of geographical location and scale—and the diversification of business enterprises.

The system introduced by the praetor consisted in a set of six legal remedies (*actiones adiectiae qualitatis* and *actio tributoria*) given to third contracting parties against the principal of the agent with whom the transaction had been entered into. The liability of the principal was complementary to that of the agent whose social status or economic condition would make any legal proceedings or subsequent execution on his property worthless. The nature of the relationship—non-contractual, quasi-contractual, or contractual—between principal and agent was instrumental only insofar as it served as a basis for determining how the rights arising from the transaction and belonging to the agent could and should be transferred to the principal.

The contractual liability of the principal originated with the concept of civil liability for the delicts of one’s dependents. The principal’s liability resulted (1) from his own enrichment derived from the transaction carried out by the agent; (2) from his commissioning the agent by granting him the free administration of a peculium or by appointing him to the head of a managerial unit (estate, workshop, store, or ship). The basis of the principal’s liability determined its extent, which was either limited to his actual enrichment (*versum in rem*) or to the size of the agent’s peculium, or unlimited.

The six remedies were not introduced at one single time, but as the result of a historical evolution. Each remedy presumably represented an improvement, an extension, a refinement, or a specification by comparison to the previous situation. The chronological order in which these remedies were introduced appears to be (1) *actio quod iussu*; (2) *actio institutio*; (3) *actio exercitoria*; (4) *actio de in rem verso*; (5) *actio de peculio*; and (6) *actio tributoria*, with the possibility that (2) and (3) came last or were the object of reforms at a later date during the first century B.C. or A.D. A newly introduced remedy did not totally supersede the older ones, although it seems likely that the *actio quod iussu* became practically subsidiary with the passage of time.

In classical Roman law, only the *actiones institutio* and *exercitoria* were not restricted to cases where the agent was a dependent of the principal. Therefore, these two remedies became more popular with businessmen who benefited from the possibility of relying on free(d) people. The emphasis in the legal sources on dependent *institutio* suggests that both remedies were at first restricted to cases involving transactions performed by dependent agents, slaves or relatives (*allieni iuris*). Extraneous *institutio* are attested by the middle of the second century A.D. in the legal sources, but they may have appeared as early as the Republican period, although the evidence for these is scant and inconclusive. The relationship between principal and extraneous agent was governed by the law of mandate, unauthorized administration, or hire and lease. Freedmen may have acted as business managers within the scope of the *operae* which they pledged to perform for their master at the time of manumission.

The appointment of an agent to the head of a managerial unit helped define the types of transactions for which the principal would be held liable. The piece of real estate and the premises in which the agent carried out the activity to which he had been appointed served as a security towards third contracting parties. On occasions, how-

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304 Gaius (5 ad ed. prov.) Dig. 19.2.40; and Labeo (*post. 5 a laovl. epist.* Dig. 19.2.60.9.
305 Paulus (22 ad ed.) Dig. 19.2.245. In early classical law the slave’s master was not liable for the *culpa* of his hired-out slave, cf. Labeo (*post. 5 a laovl. epist.* Dig. 19.2.60.7; and A. Watson (1955) 72 and 119, on the basis of the situation in the law of sale. This situation changed in late classical law, cf. Ulpianus (32 ad ed.) Dig. 19.2.11 fr.
306 *Lex Claudia* of 218 B.C. (Liv. 21.63.3; and Cic., 2Verr. 5.18.45), supplemented by a *Lex Iulia* of 39 B.C. (Scaevola [3 reg.] Dig. 50.5.3).
ever, it proved impractical to tie down agents in a narrowly-defined establishment, and the classical jurists ended up regarding as *institor* anyone who had been appointed to perform some business activity on a regular basis, even without assigned location. Due to the scarcity of the evidence, this development is difficult to trace.

The purpose of the next three chapters is to examine the social and economic context from which this legal system was born and in which it was subsequently applied and developed. It is necessary to remark that although the role of *institores* in the economic life of the Roman empire is well documented, there is no evidence outside of the legal sources for the application of the *actio institutia*. Consequently, one cannot be sure that these legal instruments were used as described in the *Digest*, and one should perhaps allow for differences according to the place, time, type of business, and people involved. The relation between law and practice in ancient times is rather elusive.

CHAPTER THREE

MANAGERS OF AGRICULTURAL ESTATES

A. ITALIAN AGRICULTURE IN THE MID-REPUBLICAN PERIOD

The ancient Roman economy was always oriented mainly, though perhaps less and less exclusively, toward agriculture. Landowning as a source of wealth and as a form of investment was considered socially respectable because of its traditional roots. Moreover, agriculture was recognized as an economically safe pursuit, in contrast with commercial ventures in general, although the latter were admittedly more lucrative. Even those who, like Cato the Elder, invested their money into seaborne trade posed as defenders of traditional values and retained a significant part of their assets in landholding.

It is fair to postulate that the primacy of agriculture in the ancient economy bore on the historical development of Roman legal institutions, and in particular of Roman praetorian law, which stems from litigation connected with real-life situations. Consequently, it seems reasonable to look for the roots of the Roman system of indirect agency in a rural setting and to focus first on the management of agricultural estates. As the achievement of self-sufficiency seems to have been a constant primary goal of both subsistence farming and the market-oriented villa economy, *villae* and *fundī* served as the setting of a broad range of trades. Therefore, it will be necessary to examine in the next chapter the role of business managers in the exploitation of other natural resources, such as clay or quarries, and the manufacturing activities carried out on farmsteads.

1. Patterns of landholding

In Roman Italy during the Republican period, unavoidable shifts in the distribution of wealth led to changes in patterns of landholding. The main features of these transformations are the following:

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1 For instance, Cato, *Agr. pref.*; Hor., *Carm.* 1.1.17-18; Mart. 4.37; Gell., *NA* 15.1.

the concentration of agricultural estates in the hands of a more restricted class of wealthy landowners, although occasional assignments or redistributions of land tried to counter this trend;

- the scattering of their properties through different areas sometimes located far away from one another;

- the diversification of crops and profitable activities carried out on farmland, linked to an increasing division of labor;

- the widespread reliance on tenants, stewards, bailiffs, and overseers;

- the more extensive use of slave labor, temporarily supplemented by hired workers (free or slave) for ploughing, hoeing, and harvesting. This general view of the development of Roman agriculture has been widely accepted, but needs to be qualified, in particular with regard to regional and chronological variations. In all parts of the Roman Empire the land fell into one of the following categories of property: public land; city land; temple land (which is rarely attested in the western part of the Empire), and church land in the Christian period; imperial land; and private land. Land passed from one category to another through confiscation, restoration, gift, assignment, sale, marriage, or inheritance. The evidence suggests that in the late Republican and early Imperial periods transfers of land from one category to another and, within the same category, from one owner to another occurred very frequently. Such changes would have been damaging to the productivity of agricultural land, had not some continuity been ensured at the management level.

2. Absentee landownership

The people who owned the land did not necessarily cultivate it. In the archaic period, landowners were more likely to be personally involved in agriculture than later, suggesting that the passage from tenancy to sharecropping attested by the early second century A.D. (Pliny, Ep. 9.37.3) may have contributed to worsen the situation of coloni with regard to labor services.


For the difference between each category, cf. R. P. Duncan-Jones, *Some Configurations of Landholding in the Roman Empire,* in Finley (1976) 7-33, in part 7.12, now updated in R. P. Duncan-Jones, *Structure and Scale in the Roman Economy* (Cambridge 1990) 121-42. By the early third century A.D., the distinction between the first two categories was blurred; cf. Ulpius (10 ad ed.) Dig. 56.10.16, who insists on the proper use of "publicus" as pertaining to the Roman state and not to a city; and F. Millar, *PBSR* 52 (1984) 133.

volved in farming than later. The stories depicting the members of the Roman elite tilling their ancestors' land, alone or with the help of other people (neighbors, hired labor, or dependents), may represent a literary cliché, but its historical roots cannot be disputed since such a pattern of landholding remained frequent throughout the Roman period. However, there is no reason to think that the process of dissociation of landownership and farming was unknown at an early date: the Roman law of property gave absolute ownership to the head of the family, who often must have been unfit for the harshness of farmwork by reason of age, health, or gender. Absentee landownership, however, is often linked to three well-attested phenomena:

- the increased involvement of the landowning population in military and political activities;
- the development of cities and the connected—cause or consequence—drift of country dwellers to urban areas;
- and the growth in size of agricultural estates.

6 Some recent archaeological surveys have shown that small-scale farming continued to be important in Italy until the second century A.D. at least; cf. J.M. Frayn, Subsistence Farming in Roman Italy (London 1979) 29; and P.W. de Neeve, Coloniae (1984), passim (reviewed by B.W. Frier, ZRG 100 [1985] 671-76). One can argue, however, that the archaeological evidence is unlikely to show the difference between estates run by independent peasants and those cultivated by tenants or bailiffs. R.P. Duncan-Jones, in Finley (1976) 22 uses epigraphical evidence, such as land registers, to demonstrate that in the regions where the spectrum of agrarian wealth is the broadest, small landholdings are more numerous.

8 Women were sui juris when no male relative (father, husband, brother, son) was left to be pater familias. Female landowners are frequently attested in Greek and Latin literature and in inscriptions during the Imperial period; cf. S. Dixon, “Polybius on Women and Property,” AJP 106 (1985) 147-70, whose opinion (p. 157) I share: “It is evident that, once her husband's death rendered her sui jura, a woman owned property, made wills, and created obligations. … In the period [113 and 1st centuries B.C.] does the tutor seem to have presented any effective bar to the woman's activities.” In the provinces during the Imperial period, the picture might be distorted by the fact that men had a strong interest in registering their property in their wives' name, since women were usually not liable for compulsory public services: according to Ulpius (2. 13 3) Dig. 50.4.3.3, “corpora similis ipse sexus gentem dividit.” Admittedly, women could be forced to perform hones, manus personalia, and manus patrimonium, although this could be a third-century development (Cod. Inst. 10.64.1, 244-249; and 16.42.9, 284-305). Still, this fact does not account for every case in which a woman is found owning property; cf. D. Hobson, “Women as Property Owners in Roman Egypt,” TAPhA 113 (1983) 311-21. Cf. AE 1961, no. 175; CIL VI 7587; CIL VI 9996 (= CIL XI 4492); CIL VI 9989 (= ILS 7370); AE 1966, no. 106; CIL IX 3103 (CIL IX 3446); CIL X 4917; CIL X 8217 (= ILS 3252)? CIL XIV 2751? Cf. also below, actors whose principal sources were women.

Due to the lack of reliable evidence, it is difficult to trace the origin of these phenomena, but they were undoubtedly well under way at the beginning of the second century B.C. The threefold historical development described below affected only part of the rural population. It is not important for my purpose to determine what percentage of landowners switched from direct farming to absentee landownership: their number proved to be large enough to call for the development of alternative systems of management. What is more important is that these landowners belonged to a social stratum most likely to leave a mark in the literary, legal, and epigraphical sources, though there is a risk that this social group might be overestimated by modern historians for this very reason. Further, the Latin agronomists shamelessly and endlessly whine over what they see as ill-inspired and unwelcome changes in response to which they wrote their treatises on agriculture.

a. military and political activities of landowners

In the early Republic, the Roman army was made up of farmers who were rich enough to qualify for enrollment in the centurionate organization. Personal or family wealth, in the form of landed property, was instrumental in determining in which unit a citizen was expected to serve, and hence, how much political power he would enjoy. The richer a citizen, the more likely he would be to stay away from his estate. Short campaigns conducted in the vicinity of Rome did not affect agricultural activities, but the development of siege-warfare and the involvement of Rome in Mediterranean politics brought radical changes in the life of farmers-soldiers. Livy's description of the siege of Veii12 suggests that cultivators were kept away from their farms for long periods already at the beginning of the fourth century B.C. Such a change in warfare was certainly facilitated by the growing availability of substitute manpower, such as slavery.13

11 P.A. Brunt, JRS 62 (1972) 153-58, esp. 154-55, reviewing K.D. White, Roman Farming (London 1970), discusses the attitude of the elite toward farming (as opposed to landowning).
12 Livy 3.1-22.
Absentee landowners appointed managers to take care of their estate in their absence. Once in a while, they would show up at the farmstead to make sure that business was conducted as expected. In the "Capi
teri," a Latin comedy written around the turn of the third to the second century B.C., Plautus mentions that during certain periods of the year a recess in public affairs was pronounced so that people could go to the country to take care of their possessions.  

The first "historical" occurrence of a "vilicus" belongs to the third century B.C. The anecdote, which is reported with some significant discrepancies by several Latin authors of the Augustan and early Imperial periods (Livy, Valerius Maximus, Seneca, and Frontinus), may be mostly fictitious, but it contains plausible elements that deserve our attention. In 255 B.C., as he was successfully campaigning against the Carthaginians in Africa, the Roman general Attilius Regulus wrote to the senate to ask for an honorable discharge. To justify his request, Regulus argued that the manager of his Pupinian estate had died and that some of the farm equipment had been subsequently stolen. The senate refused to give him a leave of absence, but promised to take care of the matter. Our sources specify that the estate consisted of seven "iugera," which is probably an exaggeration aimed at emphasizing Regulus's modesty. One man could easily perform the agricultural work, and this accounts for the fact that Regulus apparently did not own any slave and had to hire a "mercennarius" as "vilicus." Seneca's and Frontinus's reports, though they differ on a significant detail—the death or flight of the manager—are probably more accurate than the others, who tried to confl ate the two versions. The question consists in deciding whether the "mercennarius/ -ii" who left ("discessit/-erunt") conceals in fact a hired "vilicus" who died ("decessit"). The size of the estate—provided that the data recorded in the sources are reliable—makes it unlikely that more than one person was employed to cultivate it.  

E. Maróti dismisses the whole story as anachronistic and argues that the "vilicus" mentioned by Valerius Maximus, Pliny the Elder, and Frontinus could not correspond to the type of manager described by Cato, because "Regulus could not have needed such an overseer, as he did not cultivate intensive farming for the market: no author mentions any other slave working in his farmstead but the "vilicus."" On the basis of this debatable statement, Maróti concludes that the appearance of the "vilicus" must have followed the growth of the villa phenomenon.  

b. vilicus system and villa economy  
Maróti, like many other modern historians, links the "vilicus" system with a plantation-type mode of production based on slave labor and commonly called "slave mode of production." This view rests on two misconceptions. First, the etymological association of the word "vilicus" with the word "villa" lead many scholars to the conclusion that the "vilicus" system should be understood only in connection with a  

thargiennes pugnasset, successorque ei a senatu prospera bellum gerenti non mit-
teretur, id ipsum per litteras ad senatum scriptas questus est, in quibus inter causas petendi successoris erat quod agellus eius a mercennarius desertus esset."
- Val. Max. 4.4.6: "... Attilius Regulus... consultibus scripist vilicem in agello, quem septem iugera in Pupiniae habebat, mortuum esse, occasionemque nunc-
turn mercennarium amoto ininde rusticis instrumentis discessisse, iodeque petere ut sibi successor mitteretur, ne deserto agro non esset unde uxor ac liberi aulenterum. Quae postquam senatus a consilibus accepta, et aeger Attili ilico colenum locat
et alimenta coniugi eius ac liberi praebesi resque, quas amiserat, reditum publici
ississet."  
- Scl., Hœl. 12.5: "Attilius Regulus, cum Poenos in Africa fuderet, ad sena-
tum scripist mercennarium suum discessisse et ab eo desertum esse reus, quod senatus publice curari, dum absess Regulus, placuit. Puitne tanti servum non habere, ut colonus eius populos Romanos esse?"
- Frontini, Str. 4.3.3: "Attilius Regulus, cum summis rebus praefisset, adeo
pauper fuit, ut se coniugem liberasse tolleraret agello, qui colebatur per unum
vilicum: cuius auditus morte scripist senatus de successore, dictatus rebus obiuit servi
necessariam esse præsentiam suam." Cf. also Pliny, HN 18.39; Apul., Apol.
18.11; Auctor de viris illustribus 46: Dio Cass., Book 11, frg. 43.20.  

14 E. Maróti, "The "vilicus" and the Villa-system in Ancient Italy," Oikonomia 1 (1976) 109-129; esp. 112-13. The whole paper is articulated on the premise that "the appearance of the "vilicus" became timely in ancient Italy, when—alongside the self-
supplying small-peasant farms based on polyculture—there appeared the intensive
agricultural economic units called into existence to produce some especially lucrati
ve products (such as wine, oil, fruit and vegetables) that establish close contact
with the market" (p. 111). Cf. also M. Rostovzeff, SEHRES (1957) 30, who as-
simulates the "vilicus" system with the slave mode of production, which he considers
derived from a Hellenistic pattern.

15 Plaut., Capt. 78 ff.
16 I provide the relevant texts (with my emphasis) in the chronological order in
which they were written:
- Livy, Per. 18: "Attilius Regulus... cum aliqua proelii bene adversus Car-
certain type of rural or suburban establishment, the development of which took place in the first half of the second century B.C. around the Bay of Naples and is known to us through archaeological remains and literary descriptions. This architectural development reflects a social phenomenon as well as an economic mutation. However, it is quite likely that long before the development of the so-called “villa economy” there were some kinds of architectural structures that the Romans designated by the term *villa*. Early villas were certainly owned by the wealthiest, the poor living in mere *tuguria*. 

The second misconception rests on the belief that Cato’s *siliqua* is the archetype of the Roman bailiff throughout Roman history, without taking into consideration that the system described by Cato was already the result of a long historical development. We can surmise that the concept of a manager set up at the head of an agricultural unit is certainly older than the so-called villa phenomenon and the plantation-type estate familiar to Cato. In addition, both the epigraphical and literary evidence provide a distorted picture of agricultural estates run by bailiffs, because extant sources tend to record only large and prosperous estates. Most of the time the scale of the...

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17 E. Marótí, *Okumene* 1 (1976) 112-13. On the villa phenomenon, cf. J.H. D’Arms, *The Romans on the Bay of Naples* (Cambridge, MA 1970) and idem, *Commerce and Social Standing in Ancient Rome* (Cambridge, MA 1981) 72-96; and G. Pucci, “Schiavi e limiti nelle campagne” in G. Parmeggiani, ed., *Settentrione: Una villa schiavista nell’Italia centrale* (Modena 1983) 15-91. The etymology of the word *siliqua* is discussed by Varro: “*Vilicus agri colendi causa constitutus atque appellatus una villa, quod ab eo eam convexitur fructus et evchuentur, cum venentur*” (*Rust. 1.2.14*). References to villas and *siliqua* in Plautus are not rare, cf. *Mer. 277-278*, *Cas. passio*, *Pom. 170*, *Mustill. 68*, *Tr. 506* and 542, etc. The first reference in Livy to a *villae* occurs in 2.23.5 and 2.26.1 and 3; the owner of the villa was a centurion who went into debt and became subject around 195 B.C. The other references to early villas are related to the razzias perpetrated by the Romans in the Sabine country in 470 B.C. (Livy 2.62.4: *siliqua et viri*) and in the Faliscan country in 394 B.C. (Livy 5.26.4). I see no reason to dismiss as archaizomatic the use of the term *villa* in reference to early Republican farms. This is not to say that these early villas have any connection with the social phenomenon described by D’Arms.

18 *Livy* 3.26.7-9 (3.26.7-9) illustrates the low social level of people living in *tuguria* by describing the simplicity of L. Quinctius Cincinnatus, who reportedly lived off four *tiges* of land located on the right bank of the Tiber River. His poverty, however, was the result of the penalty paid a few years earlier (461 B.C.) on behalf of his son Caeso and was therefore exceptional (*Livy 3.13*). Spurias Ligustinus, the veteran centurion who pronounced a famous speech in 171 B.C., was even worse off: his plot was as small as one *tigera*. He also lived in a *tugurnum* (*Livy 42.34.2*).

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19 Some modern scholars have tried to demonstrate that tenancy was more convenient for grain cultivation, while the *siliqua* system would have been better fitted for the cultivation of cash-crops (wine, oil), which requires a larger capital investment. Cf. for instance P.W. de Neeve, *Colonies* (1984) 92-95.


the distance separating the town from the villa was great.  Two centuries later, Columella recommends to prospective buyers that they purchase a suburban villa. The vicinity of the town—where the landowner was expected to live—would make his visits to his estate easier and therefore more frequent. As a result, he could expect a better management on the part of his bailiff and a higher return from his investment.

d. growth of large estates
The building up of large estates called for new forms of management. When and how the creation of estates too large to be farmed by one family took place is a much debated question that cannot be discussed here. Even if one considers the tradition about the Licinian-Sextian law limiting the size of occupancy of public land to 500 iugera as an anachronism reflecting the Gracchan legislation, it is enough to state that by the beginning of the second century B.C., large estates must have been fairly common. Cato, who wrote in the first half of the second century, discusses for the sake of example a vineyard of 100 iugera or an olive-grove of 240 iugera. These figures are discussed by Varro who does not discard them as unreasonable or exceptional. They possibly reflect the size of some of Cato’s personal properties and correspond to an average managerial unit. Columella mentions an estate of 200 iugera of arable land, which he uses as a basis for computation of labor-input in grain and vegetable production.

In spite of the figures found in agricultural treatises, we have very little information about what should have been the average size of agricultural estates at any given period and in any given area. One can expect a great variety of sizes. The attempt to define a minimum size, based on the calculation of the basic needs of a small household, would be distorted by the fact that it is likely that small landholders were relying on other resources, like fishing, hunting, fruit-picking, or temporary work—not necessarily related to agriculture—to support their family. The other end of the spectrum lies somewhere in the hundreds of thousands of iugera, as we know, for instance, that a late Republican senator, L. Domitius Ahenobarbus, could plausibly afford to promise 40 iugera per man to some thirty cohorts. We are also told that a freedman under Augustus could boast about using 3,600 pairs of oxen on his estate, or that half of the province of Africa was owned by six landowners at the time of Nero.

e. managerial units and units of production
Even though ancient writers failed to develop a theory of optimum size for agricultural holdings, landowners had to figure out what was most practical in terms of management. We possess some incidental information about sizes and prices of estates across the Empire in later times. As might be expected, the figures vary greatly, so that it seems impossible to draw any general conclusions from them. It is clear that for practical reasons large estates must have been divided into managerial units, the size of which must be comprised within a certain range. Archaeological surveys are useless for this

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22 Plaut., Gai. 420: “Seis tu rus enae ad villam longe quo ducatis?” In Plaut., Thi. 508, Lesbonicus, undoubtedly a city-dweller, admits that he owns an “ager sub urbe” exploited by Syran slaves (542). Theophrastos, whose main household is in town, owns a villa in the countryside (“rust.”) which he left in the care of his slave Grumio while spending three years in Egypt on a business trip (Plaut., Mustel. 1.1; 62; 68; and 440).

23 Columella, Rust. 1.1.19.

24 V. I. Kuziškin (1984) [1976] 8 describes a latifundium as a big agricultural enterprise, organized as a single centralized managerial unit, extended over a wide area (1,000 iugera or more), and cultivated mostly by slaves, with a specific internal organization. According to this scholar, this type of estate was the result of a long historical process, culminating in the first century A.D., whereby rich landowners who had bought disjointed estates tended to consolidate their assets by buying neighboring properties (with reference to Petron., Sat. 48.2-3; and Pliny, Ep. 3.19.1).

25 On the availability of public land and how the rich benefited from it, cf. W.V. Harris (1990) 503, who points out that the senators who served on the commission presiding over the creation of colonies legally took part of the land for themselves or assigned it to their friends.


27 Varro, Rust. 1.18-19.

28 V. I. Kuziškin (1984) [1976] 28-29 plausibly suggests that the vineyard and olive-grove constituted two separate managerial units, located in two different areas.

29 Columella, Rust. 2.12.7. Elsewhere, the same author denounces large estates, and recommends to prospective buyers to show moderation “ne maiorem (agrum) quam ratio calculatum: patitur emere velini;” cf. Rust. 1.3.8-13.

30 P.A. Brunt, “Two Great Roman Landowners,” Laminus 24 (1975) 619-35, based on Caesar, B.G. 1.17.3; Pliny, HN 38.135 (cf. below); and Pliny, HN 18.35.


32 B. W. Frier, ZRG 96 (1979) 214, nn. 51-52 suggests a range between 50 and 250 iugera (= 12.6 and 63 ha). Large estates were often the result of successive purchases of contiguous plots. What looks like a latifundium was not necessarily managed differently from a collection of estates; cf. V. I. Kuziškin (1984) [1976] 77.
matter, because managerial units do not always coincide with units of production: Horace’s estate, for instance, was made of six units of production, but formed only one managerial unit.\(^33\)

The division of large and medium-sized estates into several managerial units brought in a new class of men who were responsible for supervising the management of single units. The lower level of management seems to have been the fundus. B.W. Frier suggests that “the area of the fundus was more or less the amount of land that could be conveniently cultivated, out of the villa, by a single operator-manager plus a complement of permanently assigned slaves (assisted new and again by hirelings).”\(^34\) The fundus can be described as a managerial unit that often corresponded to a unit of production, or economic unit.\(^35\) The discussion about the precise meaning of these concepts has been recently reviewed by P.W. de Neeve,\(^36\) who came to the following conclusions: the available evidence suggests that a fundus was an administrative unit, the extent and purpose of which was determined by the owner;\(^37\) the value of the fundus had to be estimated, registered in tables, and transcribed in the forma for fiscal purposes; the yields (reditus) were registered under one heading in the account books (rationes) of the owner, and it does not matter whether the fundus was partitioned or was part of a larger economic unit.\(^38\) A fundus was identified by the name of its

\(^{33}\) Hor., \textit{Epist.} 1.14, and \textit{Sat.} 2.7.117-118 (cf. below). R.P. Duncan-Jones, in Finley (1976) 7-33, esp. 12-18, shows that large estates were made up of components, the average size of which depended on whether they were smaller than pastures. He compares some figures related to the Ligeus Baebiani (A.D. 101), Veleia (A.D. 102/113), Volcei (A.D. 307). Lamhassa Numisio (A.D. 218/222), Magnesia-on-the-Maeander, and Hermopolis in Egypt (both in the fourth century). On Horace’s estate, cf. \textit{Epist.} 1.14 and below.

\(^{34}\) B.W. Frier, \textit{ZRG} 96 (1979) 214.

\(^{35}\) A. Steinwender, \textit{Fundus cum instrumento} (Leipzig/Vienna 1942) 10-24.


\(^{38}\) Ulpianus (59 ad ed.) \textit{Dig.} 50.15.4 fr.: “Forma censuum caretur, ut agri sic in censum referantur. Nomine fundi cuiusque: et in qua civitate et in quo pago sit: et quos duas vicinos proximos habeat. Et avrum, quod in decem annos proximos satum erit, quo iugerum sit: vinea quo vites habeat: olivae quo iugerum et quo

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**MANAGERS OF AGRICULTURAL ESTATES**

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**B. SYSTEMS OF MANAGEMENT**

1. **Tenancy or agency**

When a landowner was unable or unwilling to cultivate parts of his estates, he had several options. He could sell or abandon the land. If he wished to keep it in his ownership, he could lease some plots to tenant-farmers (\textit{conductores} or \textit{colonii}) from whom he would periodically collect a rent in cash or in kind, fixed or proportional to the size of the crop (sharecropping). In this case, he had no say in the management of the enterprise. The tenant could either sublet the land or cultivate it himself, alone or with the help of a rural household. This system will be referred to as tenancy.

Another option, available both to landowners and to chief-lessees (\textit{conductores}), was to establish a bailiff (\textit{vilicus}) in charge of an estate. The \textit{vilicus} either worked the land himself or supervised the work of a rural household (\textit{familia rustica}) in accordance with the instructions of the landowner who remained interested in the good management of the enterprise. Landowners and chief-lessees collected the proceeds from the activities of the \textit{vilicus}, but had to pay for all operating expenses while securing the manager’s cooperation and diligence with some kind of incentive, most often of economic nature. This system will be referred to as \textit{vilicus} system or agency.

The difference between tenancy and agency is not so clear-cut as it appears at first sight. The late-second-century A.D. jurist Q. Cervidius Scaevola unambiguously indicates that both tenants (\textit{conductores}) and farm managers (\textit{vilici}) were paying some type of rent (\textit{pen...})
might be nothing but an antiquarian digression and distortion with no historical significance, since nesi/addicti/obaraerti do not appear anywhere else but in the works of antiquarians.43

2. Vilicus system and slave mode of production

It is important to stress that the choice between agency and tenancy is not connected with the employment of slaves vs. free labor. Even though the evidence is not so abundant as expected, there is no doubt that tenants could, and did, employ slave labor.44 These slaves were either part of the equipment (provided by the lessor) or of the increment (provided by the lessee).45 On the other hand, the story of Regulus according to Frontinus shows that vilici were not necessarily at the head of a rural household. Similar cases are rarely attested, because small enterprises are unlikely to be recorded in our sources. In the late republican and early imperial periods, the two

43 The antiquarian character of Varro, Rust. 1.17.2: "Iuque quos obaraei nostris vocantur etiam num sunt in Asia atque Aegypto et in Illyricum comites" is emphasized by the comparison with Ling. 7.105: "Liber qui suas operas in servitutem pro pecunia quam debeat <datat> dum solveret, nexus vocatur, ut ab aree obarae." First- and second-century A.D antiquarians were obviously fond of this topic: some contemporary historical events, phenomenon, or controversy might lurk in the background (cf. Columella, Rust. 1.3.12; Quint., Inst. 7.3.26; Gell., NA 20.1.42-42; Feuss, 165; Müller; Gai., Inst. 3.199).

44 Ulpianus (20 ad Sab.), citing Labeo and Pegasus, Dig. 33.7.12.3, speaking of a servus quiem coloni (cf. below) "...etiam solitus fuerat et familiaris imperare." Cf. V. I. Kuzkin (1984) [1976] 1976, n. 58 and 237. Columella, Rust. 1.7.13, refers to a tenant (colonus) living in town and running his farm "per familiar." This passage illustrates the difference between chief-lessee and tenant-farmer; cf. also Pliny, Ep. 3.19; Ulpianus (18 ad ed.), quoting Proculius, Dig. 9.2.27.11 (="Coll. 12.7.9 and quoting Nerarius, Dig. 9.2.27.9 (="Coll. 12.7.7) = FIFA 1957. Some epigraphical evidence is cited by D. P. Kehoe, Chiron 18 (1988) 18, n. 10 (CIL IX 3674-3675 [="ILS 7455-7456"] and CIL IX 5639), to which one can add an interesting tile inscription (on two columns) from Erlaich (Upper Germania): MATERNVS / MACCVIS / GRATVS // POSSESSIO / DIOCRIS / GRATI / SERI(vi) / MASVO / REGIVS / MARCUS / FERICI, cf. R. Laut-Belart, JBM 34 (1954) 164-65 and JSGU 44 (1954) 111-12, cited by N. Brockmeyer, ArchA 6 (1975) 221-28, esp. 222. Meso, Gratius's slave, was working in a tile factory located on Dio's estate. It is possible that Gratius was a joint-tenant (together with Materinus and Maccius) of Diofr. Cf. now R. Frei-Stobla, AS 3 (1980) 103-5.

45 B. W. Frier, ZRG 96 (1979) 218, nn. 73-75, citing Labeo, quoted by Ulpianus (17 ad Sab.) Dig. 7.8.12.6, and Pliny, Ep. 3.19.2 to illustrate the first case; and Alliæus (3 dig. a Paulo episc.) Dig. 19.2.30.4, Proculius and Nerarius, quoted by Ulpianus (18 ad ed.) Dig. 9.2.27.9 and 11, and Julianus (49 dig.) Dig. 43.33.1 pr. to illustrate the second case. Frier also points out that in Cato's agricultural contracts (Agri 144-150), livestock and labor are provided by the red computor.
best-represented types of estate management were either personal management by small- and middle-scale tenant-farmers who paid rent on the land to the landowner or to his steward (procurator/actor), or the so-called “slave mode of production” featuring a certain—often large—number of slaves under the command of a bailiff. But once again, vilitus system does not imply slave mode of production, and vice-versa. Inferring the existence of either institution from the evidence pertaining to the other amounts to, at best, a plausible assumption.

The selection of a type of management was determined by various factors. It could be a matter of personal prejudice or inclination, family tradition, local custom, historical and social context, economic and political considerations, etc. As might be expected, the sources are rather lacunar about the reasons why one system was to be preferred to the other. The Latin agronomists focus on the economic aspect, but they sound as if they were more interested in containing potential destruction on the part of the manager and the hands—out of neglect or malfeasance—than in maximizing their profit. This attitude shows that landowners were highly concerned about the consequences of a possible cessation of agricultural work, and with any kind of mishandling of the crops and of the farm equipment.

The negative views expressed by the agronomists about the vilitus system in connection with the slave mode of production cannot be accepted uncritically, because, in spite of their reservations about the reliability of vilitus and slave labor in general, they dwell on the subject of agency much longer than on tenancy. This is, however, no evidence for the respective success of the two systems, for treatises on agriculture were written for inexperienced landowners who, I would suggest, had some difficulty in keeping up with their managers.46

3. **Agency vs. tenancy during the Imperial period: decline or stability?**

Whether absentee landowners showed a preference for one system over the other is difficult to assert. The debate among modern scho-

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46 N. Purcell, “Wine and Wealth in Ancient Italy,” *JRS* 75 (1985) 1-19, esp. 5 and 8, suggests that Cato’s and Virgil’s treatises were clearly addressed to vilitus, and through them to the municipal elite rather than to the senatorial nobility. Cf. below.

estate was cultivated by slaves, who, according to a sensible though gratuitous assumption, were subordinated to a vîlicus. The rest of the land must have been leased out to tenants or worked by free laborers (operarii). This case suggests that when the slave mode of production was supposed to be at its peak some great landowners were reluctant to rely exclusively on slave labor.49 In this case, there is no way to say whether hired labor was preferred to tenancy. A factor that might have influenced Isidorus’s options was a law of Caesar stipulating that one third of herdsmen in Italy had to be freeborn adults,50 so that the slaves mentioned in Isidorus’s will are more likely to have been employed in cultivation than in cattle grazing.

A century later, Pliny the Younger is known to have relied on tenants to farm his estates. Pliny was considering the merger of two neighboring estates of significant sizes in Tiferenum Tiberinum. The original estate, which had been hitherto cultivated by slaves, was to be administered together with the prospective one by a procurator and actores, and leased out to tenants (coloni). The main function of procurator and actores probably consisted in collecting the rent and exercising a general supervision. Pliny was planning to equip the tenants of the prospective estate with new slaves of good quality, which proves that tenancy and slave mode of production were not exclusive of each other.51

A harder point to decide is whether or not Pliny kept part of his Tuscan estate under direct management. Pliny’s interest in agriculture was limited, as he reports how glad he was to be able to rely on his urban slaves for the organization of the farmwork at harvest time, thus allowing him to devote his time to his favorite intellectual pursuits.52 Pliny probably alludes to something more specific than the general administration of his properties as a whole, but the management of the plot kept under direct control may have been entrusted to a vîlicus, although it is striking that the title is never used in Pliny’s Letters. Vîlicus management is perhaps implied in the context of Ep. 8.2, where Pliny reports that he had sold the vintage to wine dealers. It has been argued, however, that the crop sold by Pliny was the produce of the rents collected in kind after the temporary crisis in A.D. 107, which forced him to reconsider the system of tenancy applied until then and to switch to sharecropping.53 A.N. Sherwin-White has tried to discard this interpretation on the basis of the quantities involved and of the most likely date of Ep. 8.2 (107 rather than 108 or later), but his arguments are not cogent.54 Whether or not Pliny employed tenants and a vîlicus on the same estate remains unclear. In some other cases, it is difficult to determine what type of management Pliny had in mind. In one letter, he writes about his effort to find a strong man to cultivate Calpurnius Fabatus’s Villa Camilla in Campania.55 Elsewhere, he thanks one Verus for taking over his nurse’s mismanaged farm.56 Tenants and vîlics are possible in either case.57

54 A.N. Sherwin-White (1966) 448-50, discussing V.A. Sirago’s suggestion (L’Italia agraria sotto Traiano [Louvain 1958] 118) and arguing that a) the proceeds of the rents should be much bigger than the quantity mentioned by Pliny, which corresponds to the produce of an estate of around 17 “Roman acres” (aureum) (against Kohoe [1989] 576-77); b) the letter belongs to a group including 9.16 and 9.20 and is probably to be dated to the fall of 107, although a later date cannot be excluded (ibid. 500).
55 Pliny, Ep. 6.30. Calpurnius Fabatus was the grand-father of Pliny’s wife, cf. A.N. Sherwin-White (1966) 71.
56 Pliny, Ep. 6.3.

49 P.A. Brunt, Latomus 35 (1974) 619-35, using the evidence provided by Pliny, HN 33.135: “C. Asinio Gallo C. Marcio Censorino cos. a.d. VI Kal. Febr. C. Caecilius C. l. Isidorus testamento suo edixit, quamvis multa bello civiles perdiverit, tamen relinquuerit servorum iepi CXVI, inaqua boon iepi DC, reliqui pecoris CXVII, in numero HT [DC], funerari se iussit HS [XI].” It does not matter for my purpose whether Brunt’s calculations are accurate, or whether, as he himself suggests, arable land and pasture partly overlap. The point is to demonstrate that the number of slaves boasted by Isidorus is far inferior to the number required by the size of his estate, estimated on the basis of the available traction equipment (oxen), provided that all oxen were indeed used only for ploughing, and not for other tasks, such as hauling heavy material (stone or marble from quarries, or timber).
50 Suet., l.t. 42.1; “neve illi, qui pecuarium facerent, minus tertia parte puer- rum ingeniumur inter pastores haberent.” Cf. also Appian, BCiv. 1.1.8 about a similar provision existing at the time of the Gracchi.
Tenants and bailiffs are found working side-by-side on private and imperial estates in various parts of the empire. An interesting case is recorded on an inscription found near Monte Testaccio in Rome. Three *vilici* and a group of individuals (*plebs*) attached to the *Praedia Galbana* formed a religious college of sixty members and set up an inscription to the *numen* of the imperial House, to Aesculapius, and to the Good Health of the emperor in a place assigned by an imperial *procurator*. Some of the names refer to free men, but it is not clear whether the members of the *plebs* were independent tenants or belonged to one of the rural households headed by the bailiffs. Another example is provided by two lead tablets found in a grave near Pola, in Histria. They bear the names of free *colonii* and of slaves, *dispensatores* and former *dispensatores*, one *vilicus* (or former *vilicus* "qui vilicavit"), one *adipator colonii*, and *quasi* *colonii*. The archaeological context points toward an early-second-century A.D.


Sen., *Ep.* 123.2: “Non habet panem meum pistor; sed habet vilicus, sed habet abitium, sed habet colonius.” Mart. 2.11.9; and 3.58.20, 29-31, and 33-40.

Cf. P. Rosafio (1991) 44-71, esp. 47. This was already the case in the late Republican period, as Caesar reports (*BCC* 1.34.2) how L. Domitius Ahenobarbus (cos. 54) could man seven ships with his own slaves, freedmen, and tenants. These were probably employed on his estates located in the territory of *Cosa* (CIL XI 2968); cf. J. Carlsen, “Considerations on Cosa and Ager Cosanus,” *ARID* 13 (1984) 49-58, esp. 54.

CIL VI 30983 (= *ILS* 3840): “Numini domus Aug. sacrum / Aesculapiu et Salut Satrum coloni/um salutar / liceco expiati proo patri-/timoni Cae(sari) N(ostr) a solo / Iherci; Felix ver(na), Aspergus Regianus, Vindex / ver(na), vilici pr(a)edicorum Galbanorum, orb(is) / immo(um) Actuanus, Ulpius Sextianus, Clutrius Secundus, . . . .” (13 other names): both editions have no comma between Aspergus and Regianus, so that we have to understand that Aspergus Regianus was a slave (or less plausibly a freedman) whose former owner was a certain Regius. How he managed to pass into the emperor’s property is a matter of guess. G. Boulvart, *Domestique et fonctionnaire sous le Haut-Empire romain. La condition de l’affranchi et de l’esclave des princes* (Paris 1974) 32 points out that the phenomenon of slaves bearing a double name, one of which finishing with *-anus*, is not attested after the time of Hadrian. D.J. Crawford, “Brass Lectors,” in *Finley* (1976) 44, adds a comma and counts four bailiffs of slave status, which is possible. For the emperor as landowner, relying on his slaves and freedmen, cf. M. Rostovtzeff, *SEHRE* (1957) 54-55.

The epigraphical evidence for *vilici* in charge of agricultural estates in Italy is abundant. It is enough to say that there is no noticeable geographical concentration in those areas where the villa economy is best documented by archaeological evidence. Let us note, however, that out of more than 200 *vilici* recorded in Italian and Sicilian inscriptions, only ca. 5% were explicitly connected with agricultural estates (*praedia, fundus, loci, saltus, etc.*), while another 3% were in charge of suburban estates or gardens (*horti*). It is probable that a large proportion of the *vilici* whose functions are unspecified in the inscriptions were also in charge of agricultural estates.

To conclude this section, it is necessary to mention a famous document which admittedly does not belong to the geographical area chosen for this study, but which sheds light on the administration of imperial estates. This document, so-called *Lex colonis fundi Villa Magnae data ad exempium legis Maniacaee*, is a Latin inscription, dated to A.D. 116/117 and found in Henchir Metitch (Africa). It reveals interesting details concerning the organization of the management of an imperial estate located in the Bagradas Valley. The Fuscus, represented by imperial *procurationes*, contracted with private individuals (*conductorii*) for the right to collect the rents from tenant farmers (*colonii*) who cultivated the land. Parts of the estate, however, were cultivated under the management of bailiffs (*vilici*). It is not clear whether these *vilici* were appointed by the chief-lessees or by the landowner, i.e., the emperor represented by his *procurationes*. The text refers to "*conditoribus vilicis dato minorum eius f(undi)" in III.19-20 and to "*conditoribus vilici[s]ve cor[um]" in IV.5, an ambiguous phrase which could be part of a general formula (i.e. "whichever"). The hands are called *colonii, colonii inquitini,.*

*Inser. It.* X, 1, 592a and b (= *AE* 1896, no. 100) mentions "... *Lucifer disp(ensator)*, Lucifer *adipator colonii*, Vittalis *dispensator*, ... *Anconius qui vilicavit*, ... *Trophimus qui dispesiantiv*, ... *Vitruvius colonus*, ... next to a list of people (farmers?) with *duo nomina*. The vicinity of imperial estates is illustrated by *Inser. It.* X, 1, 593; cf. also *Inser. It.* X, 1, 599; X, 2 222; and 229. The date of the inscription is provided by the presence of Trajanic and Hadrianic coins in the grave.

This point has been suggested to me by Prof. J. P. Bodel and is corroborated by some epigraphical evidence, cf. H. Hornauer, R. J. Sjodahl, "Ein neues Dokument zu einem Indienhandel. P Vindob. G 40222," *AAW* 122 (1985) 124-55, with reference to *býrophi* or *ơpovn NRA*. J. Carlsen, "Estate Management
in Roman North Africa. "Transformation or Decline?" in A. Mastino (ed.), L'Africa romana VIII (Sassari: 1991) 625-37, esp. 626 points out that the phrase may recall the original Lex Macediana.

62 CIL VIII 25902 (= FIRA I, no. 100), col. IV, lines 22-35: "ne quis conduc-
tor vilicus[c] coloni[i]m in [q]ului[m] eius / (fund[i]) < amplius quam ter binas praestare praecipiat>, coloni qui intra [f]undum Vill(ae) Magn(ae) sive Mapp[a]-
li(ae) Sig(aes) ha[bit] abund dominis aut conduc-[toribus villicus eorum in assem-
[q]ui> annis in hominibus [singul]is in arato apertis n(umeris) II et in mem-
primas cuziusque anni n(o)mina sua con[duc]toribus villicus. [c]ustodibus eius in奇怪[os] singu-
las qui in agris pr(a)estare debent nominem, / ratam seorsum [s] - [20] seorsum. / stipendiarior[um] qui intra [f]undum Vill(ae) Magn(ae) sive Mapp[a]l(ae) Sig(ae)
habitab[ant], nominis sua nominem in custod[ias] q[u]as con[duc]toribus villicus [c]uius eius fundi, pr(a)estare debent].
custodias (fund[i]) servis domin[i]is [s] - [20] es[i]
This interpretation would also account for the use of the plural to designate landowners, chief-lessees, and bailiffs, although it is possible to find several vilici or conductores on the same estate.

b. vilicus system and the alleged decline of slavery
Some scholars consider the reign of Trajan as a turning point in the history of Italian agriculture. The change in agricultural practice would have been caused by a drastic shift in foreign policy by the imperial government, whereby more than five centuries of conquest were followed by a period of internal consolidation of the Empire. One consequence of this change would have been a shortage of prisoners of war, followed by the gradual decline of the slave mode of production and of the vilicus system in the context of the villa economy, which left room for the expansion of free tenancies.63 This view is not supported by the literary and epigraphical evidence. Further, we cannot expect the phenomenon of decline to be recorded in the types of documents which have survived. Slaves were probably used in agriculture throughout antiquity and even in the early Middle Ages, even though the proportion of slaves to free men may have gone through long-term variations.64 It is possible that tenancy became increasingly common, but this would be hard to demonstrate and would not prevent the vilicus system from holding on until the very end of the Roman Empire.65 The Middle Ages adopted it, like many other Roman institutions, while adapting it to changing circumstances and conditions.66

Let us first point out that some of the inscriptions mentioning

63 This view was expressed long ago by M. Weber and M.I. Rostovtzeff, and adopted by V.A. Siragou, L'Italia agraria sotto Traiano (Louvain 1958); and G.B. Ford, Jr., Histoire 5 (1963) 381-89. A different view has been proposed more recently by J. McMullen, A. Lincke, "The late Roman Slaves," Historia 36 (1987) 390-82, according to whom slaves had never been widely used in agriculture, at least in the provinces, during the Imperial period; contra, R. Samson, "Rural Slavery, Inscriptions, Archaeology and Marx," Historia 38 (1989) 99-110.

64 This is not the place for a lengthy refutation of a widely supported thesis. M.I. Finley, who at first thought that "agricultural slavery was far more common than most modern writers allow," changed his mind in the second edition of The Ancient Economy (1963) 179-80; cf. also B. de Blau, 71 and 223, n. 18; and C.R. Whittaker, "Labour Supply in the Later Roman Empire," Oculi 1 (1989) 171-79, esp. 174. A few literary references to chattel slavery to the second to the fifth century should invite to exert caution on this issue (Apul., Apol. 93.3-4; Ath. 6.104-105 [272 e-273 c]; Vita Mutilatoris [L] 1.18 = AB 8 [1889] 33). Cf. A.H.M. Jones, The Later Roman Empire, 284-602; A Social, Economic, and Administrative Survey (Norman, OK 1964) 787-793; and 1325, n. 55; and P. Bonnasse, "Survie et extinction du régime esclavagiste dans l'Occident du haut moyen âge (IVe-XVe s.)," Cultures de civilisation méditerranéenne 28 (1985) 307-43.

65 A.H.M. Jones, LRE (1964) 793 suggests that the slaves attested in Asia Minor in fewer numbers than free coloni were probably "vilici or bailiffs, who supervised the free tenants."

66 J. Percival, "P. Ital. 3 and Roman Estate Management," Hommes à M. Renard (Brussels: 1969) 600-15; and idem, "Seignorial Aspects of Late Roman Estate Management," EHR 84 (1969) 449-73. Missing links in terminology--medieval administrators are usually called ajudices, maistres, or bailifs—are not significant (p. 430). According to Percival, there was no necessary interdependency in antiquity between the part of an estate administered by a vilicus and the plots let out to tenants, whereas in the medieval period demesne and tenures formed a more closely tied unit. That the nature of the relationship between demesne and tenure changed as early as during the Roman period does not affect the point demonstrated here (450-459).
agricultural *vilici* belong to the second and early third centuries A.D. The bailiff Victor was in charge of the *Prædia Marciiana* and made a dedication to Mithra and his priest on April 7 of the year A.D. 154 or 157. Another inscription dated to A.D. 205 and found in Ostia mentions a slave bred in the imperial House in the capacity of bailiff of the *Prædia Rusticeliana*. Many inscriptions belong undoubtedly to the late second and early third centuries. In the following period *vilici* become even scarcer in our sources, but do not disappear completely. This apparent decline may be accounted for by the changing nature of the material.

The evidence is often elliptic. An interesting document has been unearthed in the * tepidarium* of a Roman villa at Varignano in Southern Liguria (Regio IX). It is a marble slab, dated to the second or third century, which has been interpreted as the accounts of tenants of public land belonging to the colony of Luna. The accounts comprise at least five entries, the first one referring to the rent paid by one Ecloga. The following entries contain no names, but the recorded sums of money are of similar range (20-30 *nummi*). According to the editor of the inscription, Ecloga was a tenant (*condictrix*). Her name, however, suggests that she was a female slave, and she might have been the manager (*vilica*) of the estate on which the inscription was found. Ecloga could also have been a slave-tenant, but her position in the list and the fact that only her name is recorded set her apart from the anonymous payers listed in the other entries of the account, bestowing on her a special role. Admittedly, *vilicae* are rarely recorded in inscriptions, and they have been generally considered as the wives of *vilici*. It is true that in one inscription from Noricum the *vilica* is the wife of an *actor*, but since *actor* and *vilicus* usually represent two different levels of management (cf. below), the inscription can be used as evidence of a *vilica* at the head of a managerial unit. In few other cases, the *vilica* may have been a

female manager, since Ulpianus explicitly says that business managers could be of either gender.

In order to substantiate the claim that the *vilicus* system did not fade away with the alleged decline of slavery in the second century A.D., it is necessary to review the later evidence in which *vilici* are attested. There is no evidence from Italy for bailiffs on agricultural estates in the second half of the third century nor in the first half of the fourth century. This vacuum can be ascribed to changing epigraphic habits, and to the nature of the legal and literary sources. The *Theodosian Code*, which contains a few references to *procurores* and *actores*, refers only once to a *vilicus* whose function was not even concerned with agriculture.

In a letter addressed to his friend Paulinus of Nola, Ausonius complains about the incompetence of his *vilicus*, named Philo. The consul of A.D. 379 criticizes his agent for neglecting the farmwork on his Lucanian estate near Bordeaux, for engaging in commercial activities in the countryside, and for spending time visiting his *inquilini*. The nature and extent of Philo’s functions are not clear, because Ausonius first speaks of him as a former steward (“procuratoris quondam mei”). Philo had purchased and stored foodstuffs in Paulinus’s Hébronmagum estate, and was planning to ship it to Paulinus’s estate at a later time in order to relieve its personnel from the threat of a temporary food shortage. Ausonius was obviously displeased with his manager’s performance on this particular occasion and with his competence in general. His disappointment stemmed from the fact that he expected Philo to pay a closer attention to farmwork, whereas the manager “loathed the name of bailiff” and turned to business activities. Ausonius mocks Philo’s claim to the title of *ēπιστροφος* (procurator).

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65 CIL VI 745.
66 CIL XIV 4570 (= AE 1929, no. 93).
67 CIL 1976, no. 299 (Regio IX). The structure of the inscription is similar to that of P. Ital. 3 discussed below. Cf. A. Bertino, in A. Frova (ed.), *Archaeologia in Liguria. Scavi e scoperte 1967-1975* (Genova 1976) 61-78, esp. 75 and fig. 86, p. 68.
68 Columella, *Rust. Book 12; and Scaevola (4 rep.) Dig. 40.5.41.15. Cf. W. Scheidel, “Feldarbeit von Frauen in der antiken Landwirtschaft,” *Gymnasium* 97 (1990) 403-51, esp. 410. Some cases are admittedly ambiguous, cf. for instance Mart. 1.35.11-12; and 10.68.7-20; and Juv. 1.16-74.
69 CIL III 5561. There is only one epigraphical occurrence of an *actrix* (CIL XI 1739).
70 Ulpianus (28 ad ed.) Dig. 14.3.7.1. CIL V 7549; CIL IX 163 (?); CIL XI 356 (?); and 871; CIL XV 6905; CIL VIII 5384 (= 17500 = ILL. 1323, imperial *vilicus* under or before Claudius, Calama/Numidia); and AE 1927, no. 50 (Brestowitz, Bulgaria). Cf. J. Carlsen, “The *vilicus* and Roman Estate Management,” in H. Sancisi-Weerdenburg et al. (eds.), *De agricultura. In memoriam P. W. de Neeve* (Amsterdam 1993) 197-205.
71 A late-third-century reference is found in the *Sententiae Pauli* 3.6.35.
72 *Cod. Theod*. 12.1.6 (A.D. 319); 11.7.6 (A.D. 349); and 2.36-32 (A.D. 422).
75 This equivalence is valid for the Roman period only. By contrast, in classical
Harpax’s suspicion, and accordingly he refuses to pay him the money. Later on, Pseudolus changes his story and pretends that, being in charge of his master’s patrimony and acting as bookkeeper, he is entitled to make and accept payments. Harpax finally entrusts him with the document and token proving the validity of the contract. It is clear that Ausonius’s literary allusion was aimed at emphasizing the pretension of his agent with reference to his position of procurator.

Ausonius’s pun, however, should be read in its historical context. First, the distinction between steward and bailiff was sometimes meaningless, since the former could assume the direct management of an estate (procurator acting vitius). Second, as a result of Papinianus’s extension of the actio institoris to cases involving transactions performed by procuratores, the social and legal differences between procuratores and vitiici became blurred. From this point of view, Ausonius’s Epistle 22 (26) does not tell much about the survival of the vitiici system in late antiquity.

More is to be gained from the correspondence of Symmachus. proconsul of Africa in 373, Urban Prefect in 384 and 385, and finally consul in 391, Symmachus owned land in Italy, Sicily, and Mauretania Caesariensis, and is a good representative of the land-owning upper class in the fourth century. He incidentally tells us that he employed vitiici and coloni on his estate in Tivoli, and actores and conductores on more distant estates, for instance in Sicily.84

Spain, the position of an estiponc was similar to that of the Roman vitiici; cf. Xen., Oec. passim; Columella, Rost. 11.1.15 (with reference to Xenophon’s work, 12.3.4); Cic., Off. 2.18.64 (with reference to Theophrastus recording a fifth-century Athenian case). This point has been brought to my attention by Mr. J.M. Joqueria Nieto. By the second-century B.C. farm managers are called ekwofax: cf. for instance the slave Athenion who played a leading role in the second slave revolt in Sicily (Diod. Sic. 36.5). The third-century A.D. agronomist Florintius, however, considers these two titles as synonymous (Geop. 2.24: παθε τούτι καὶ τινί ἐκωνομεῖον & ὑποβολεῖν καὶ ἐκοιμάσας).

79 Auson., Ep. 22.1-6: “Philos, mei qui vici et curtes tequis, / ut ipse vult, estiponc, / nam gloriosum Graeculus nomen putat, / quod semper tuca Dorius / suis querelis adserit nostras preces, / quam ipse lentus prosequor.”

80 On Ausonius’s landed property, cf. R. Etienne “'Ausone, propriétaire terrien et le problème du latifundium au Ve siècle ap. J.-C.,” in M. Chretot et al. (eds.), Institutions, société et vie politique dans l’Empire romain au Ve siècle après J.-C. (Rome 1992) 305-11, who points out that Ausonius’s estates should be referred to as latifundia rather than latifundia. P. Bistaud, “A la recherche des villas d’Ausone,” Caesarodunum 15 bis (1980) 477-87, lists (486) the few locatable urban and rural properties of Ausonius and describes them as the components of a “fortune relativement modeste”: an urban house in Bourdeau; a villa near Cognaux (= fundus Lucanus or Lucenarius); an estate at Baza, some land in the country of Buch and at Rom, south-west of Poitiers.

81 Auson., Ep. 22.20: “promusque quam condus magis,” which is reminiscent of Plaut., Pseud. 608: “condus, promus sum, procurator peni.” Ausonius quotes a line from the same play in the preface of the same letter. Promus refers to a distributio of provisions, who is subordinate to the bailiff in Varro, Rost. 1.16.5; and Columella, Rost. 12.3.9; cf. K.D. White (1970) 381.

82 American history provides an interesting comparative case: in 1841, A. Nicol, who was the steward of R.B. Bolling’s Sandyt Point Estate (Charles City County, Virginia), took over the direct management of 7,000 acres with the assistance of two deputies. This was an innovation on the part of Nicol, since it is known that up to 1840, the estate was divided into four farming units under the management of separate overseers. Nicol’s reform was meant to diminish the “expenses, inconvenience and frequent misunderstandings incident to [the previous] arrangement.” Cf. A. Nicol, “Note on the Sandyt Point Estate,” Farmers’ Register 9 (June 1841) 234, quoted by W.K. Scarborough, The Overseer. Plantation Management in the Old South (Athens, GA 1984) 161.

83 Papinianus (3 resp.) Dig. 14.3.19 pr., etc. (cf. above, Chapter Two). The idea of the declining social status of procuratores in late antiquity has been discussed by G. Hamza, “Die juristische Stellung des Rechtsgebietes in der römischen Recht," AUB (iur.) 25 (1983) 89-107, esp. 101-05, with reference to Cod. Theod. 4.12.5 (362), where actores and procuratores are counted among people of servile condition; cf. also Cod. Theod. 9.29.2.

By contrast with his predecessors and models, Palladius, a late-fourth- or fifth-century agricultural writer, does not devote a lengthy and detailed discussion to the topic of management and work force. Although his work might include references to earlier practices, it seems unlikely that the little information he chose to incorporate in his treatise was obsolete and irrelevant to his readers. He deals with practical details, such as the measures to be taken by the dominus or the procurator to prevent thefts by workmen. 85 The bailiff or overseer (praesul agri) is a slave, 86 and the rustici are free workers who seem to have emigrated from the city to the countryside. 87 Palladius provides direct evidence for tenancy by advising against the lease of plots to neighbors, either landowners (domini) or tenant-farmers (colonii). 88 Agency, on the other hand, is more elusive. Palladius mentions once a procurator and once an agri praesul, but the exact functions of both remain unclear. E. Frézoulis recently pointed out that the confinement to Book I of the mention of both functions is explained by the fact that Palladius’s work was aimed at a twofold audience: Book I was intended for the landowner, and the rest of the work was intended for the actual cultivators. Book I then would deal with the questions that were of primary interest to the landowner, i.e., the configuration of the estate and its management. Palladius records two intermediate hierarchic positions between landowner and the hands (rustici) and these positions correspond to the classical model (procurator-vilicus). In the fifth century, landowners were more likely to live on the estate than in an earlier period, and the agri praesul was probably more involved in the actual farmwork than the classical vilicus. Thus, the agri praesul was perhaps more an overseer than a bailiff, his status of legal representative being of secondary importance in the management of the estate. 89

Finally, a Latin roll from the Vatican Library (P. Ital. 3), dated to the middle of the sixth century, preserves a large fragment of a “Gestaprotokoll” (proceedings of activities) of the Church of Ravenna, the form of which prefigures the Carolingian polyptychs. This document was probably written in the wake of the reorganization of the Church properties after the war against the Goths and records various deliveries in money and in kind. The second column pertains to an estate located in the territory of Padua and contains ten entries. The first entry lists the payment of three solidi, 2 tremisses, 3 siliquae, in addition to the delivery of 8 hens, 80 eggs, and 70 pounds of honey, made by the vilicus Maximus who was in charge of the Saltus Erudianus. The following entries (2 to 8) list payments and deliveries made by coloni for their respective coloniae, even though some of these were not cultivated (in sentibus) at the time when the document was written. Entries 9 and 10 contain no names of cultivators, but concern two paludis (swamps) that seem to have been used as pasture land. 90 The Saltus Erudianus was divided into two parts; one was managed by the vilicus Maximus, and the other by a group of coloni, since entry no. 2 refers to a colonia supra scripta. It is remarkable that the payments made by the tenants and the vilicus fell within a limited range, which indicates that the plots were of broadly similar sizes, estimated by L. Cracco Ruggini around 4 or 5 iugera. 91

The combination of the vilicus system and free tenancy (demense/

Lauffer zum 70. Geb. (Historia 2, Rome 1986) 501-57; and L. Cracco Ruggini, “Vicendes rurali dell’Italia antica,” RSI 76 (1964) 261-86, who points out, however, that in Italy towns remained important for a longer time than in the rest of the empire, so that Italian landowners continued to live in town and to rely on managers to take care of their estates (p. 267, n. 14).

90 The paludis near Ravenna were famous for their fertility, cf. Polyb. 3.88; Caio, cited by Varro, Rvst. 1.2.7; and Strab. 3.4.2 (241) and 5.1.7 (214). A. Tévenin, Le vin de l’Italie romaine (Rome 1986) 111, n. 210; 185; and 224, stresses the quality of the vineyards.

91 J.-O. Tjäder, Die nachliterarischen lateinischen Papyri Italiens aus der Zeit 445-700 (Stuttgart 1955); J. Percival, EHR 84 (1969) 449-73; and idem, Hommages a M. Renard II (Brussels 1969) 607-15. Percival thinks that the name Saltus Erudianus applies to the whole estate, including demesne and tenures (coloniae) (p. 609, n. 2) and that the colonia in entry no. 2 “was almost certainly carved out of the original demesne, thus lowering the amount of dues required of that demesne and at the same time relieving it of the need for outside help in its working” (609), with reference to A.H.M. Jones, LRE 6 (1964) 805-06. L. Cracco Ruggini, RSI 76 (1964) 283-87 points out that “i villici della Chiesa Ravennate—al contrario di quelli delle grandi proprietà laiche, soprattutto nell’Italia Centro-Meridionale—apparono ridotti a un livello modestissimo, del tutto analogo a quello dei coloni” and that “pare, infatti, che in età longobarda boschi e pascoli occupassero in prevalenza la parte

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85 Palladius, Rust. 1.36.
86 Palladius, Rust. 1.6.18.
87 Palladius, Rust. 1.6.2.
88 Palladius, Rust. 1.6.6.
tenure) was flourishing in the Middle Ages up to the Early Modern period. Numerous examples could be cited, from the Abbot Irminon’s estate at St. Germain des Prés at the time of Charlemagne, to the manors of Adam de Stratton in Wiltshire in the late thirteenth century, and to the Cloister of Diessen in seventeenth-century Germany.92

C. Social and economic aspects of the vilicus system

In contrast to a widely accepted theory, the evidence suggests that the vilicus system did not undergo an irreversible decline starting in the second century A.D. It appears that its existence did not depend on the slave mode of production—in the sense of massive use of slave labor on plantation-like estates—and that, when attested, it was used in combination with social and tenancy. That apparent continuity can be ascribed to various social and economic factors.

1. Legal status of farm managers

M.I. Finley has argued (a) that the slave mode of production survived because of a chronic shortage of tenant-farmers,93 (b) that there was “no significant managerial difference, for absentee land-

lords, between tenancies and slave-operated estates under vilici”; and (c) that the choice between the two systems depended not on “the notion of comparative profitability”, but on the respective availability of free or slave labor.94 The second statement in Finley’s interpretation is absolutely correct, except for the fact that it assumes a necessary connection between vilicus system and slave mode of production. The first and third parts are unsatisfactory, because Finley left out part of the evidence.

a. Slave tenants

There was no connection between the type of management chosen by a landlord and the legal status of the work force employed on the estate. In other words, it is not necessarily true that a large supply of slaves would contribute to spreading the vilicus system, while free workers would automatically be employed as tenant-farmers. We know that the Republican jurists created the concept of slave tenant or servus quasi colonus, providing Roman landowners with a managerial system that combined the advantages of free tenancy with the availability of slave labor. The farmer was not part of the farm equipment,95 paid a rent, and enjoyed a great deal of autonomy in the management of his farm. The master collected the rent and remained in control of the estate, being entitled to remove a careless or incompetent manager without breaking the lease before its term. Servus quasi colonus are attested in the inscriptions, for instance in the lead tablets of Polla cited above, but it is impossible to estimate how common they were.96


93 “Penuaria colonorum” is first mentioned by Pliny, Ep. 3.19.7 (cf. also Ep. 7.30.3 and 9.37-1-3), and often repeated in Africa in a later period, cf. Lactantius, De Mort. Pers. 7.3 (early fourth century); Nov. Val. 13.8 (445); and A. Carandini, “Produzione agricola e produzione ceramica nell’Africa di età imperiale. Appunti sull’economia della Zeugitana e della Beazacena,” Studi Miscellanei 15 (1979) 95-122, esp. 104.

94 M.I. Finley, “Private Farm Tenancy in Italy before Diocletian,” in Finley (1976) 103-21.

95 Ulpinianus (20 ad Sab.), citing Labeo and Pegasus, Dig. 33.7.12.3: “Quaeritur, an servus, qui quasi colonus in agro erat, instrumento legato continetur. Et Labeo et Pegasus recte negaverunt, quia non pro instrumento in fundo fuerat.”

b. *vilici paying rent*

*Vilici*, like *coloni*, could be required to pay a rent in kind or in money. This is indicated repeatedly by the late-second-century A.D. jurist Q. Cervidius Scaevola, who unambiguously states that rent (*pensiones*) was collected from both *conductores praedorum* and from *vilici*, and who includes in the farm equipment the arrears of both *vilici* and *coloni*, along with the servile household and the livestock. This is also confirmed by non-legal evidence. We have seen above the *vilicus* Maximus paying both money and farm products in sixth-century Ravenna. Martial and Juvenal are proud to be able to serve their guests the products of their suburban estates collected by a prosperous *vilicus*. The surplus was probably sold on the market. Whether the manager was expected to deliver all of the proceeds of his/her activity or only a fixed part was probably a matter of personal arrangement with the principal. A problem arises from another text by Scaevola, who examines whether or not a slave cultivating a plot of land and holding a large sum of money (rent in arrears or *peculium*) should be relinquished to a legatee as part of the farm equipment. Scaevola compares two different types of slave managers. On one hand, the slave pays a rent (*merces* or *pensionis certa quantitas*), is treated like an *extraneus colonus*, and is not part of the farm equipment; as mentioned above, this type of farmer was called *serus quasi colonus*. On the other hand, the slave is appointed by his master (*fide dominica*) to cultivate the land and is part of the farm equipment. This type of manager was called *vilicus*, and it is remarkable that Scaevola does not use this term. According to Scaevola, the distinction between the two types of managers rests on whether or not they were acting *fide dominica*, i.e. whether or not they had been appointed by their master/landowner.

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97 Scaevola *(2 dig.*) Dig. 40.7.40.5.
98 Scaevola *(3 resp.*) Dig. 33.7.20.3: *"Praedia ut instructa sunt cum dotibus et reliquis colonorum et villicorum et mancipiis et pecore omni legavi et peculii et cum actore."*
99 *P. Itál. 3*, col. II, first entry. Cf. above.
100 Mart. 1.55.11-12, and 10.48.7-20; Juv. 11.64-76. These products could also be considered as *gifts* instead of rent.
101 Scaevola *(3 resp.*) Dig. 33.7.20.1: *"Quaesitum est, an Stichus servus, qui praediam unum ex hac coluit et reliquitum est amplam summam ex causa fideicommissi Seio debeatur. Respondit, si non fide dominica, sed mercede, ut extranei coloni solent, fundum coluius, non debit."*
102 Dig. 33.7; and JIL II 5406 (* = 5042 = FIRA III*, no. 92). Cf. Chapter Two.

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to the position of manager of an agricultural estate. When the slave was not appointed, he was not a *vilicus*, but belonged to a different category of manager, for instance a slave with *peculium* or a *serus quasi colonus*. The latter category was best defined by the fact that the manager was paying rent in the technical, i.e. legal sense.

This passage is cited by Paulus in the context of a discussion about the place of the *vilicus* (as opposed to other kinds of slave managers) in the farm equipment. In contrast to Scaevola, Paulus ends up comparing two types of *vilici* and puts more emphasis on the question of the rent. In Paulus’s view, the payment of the rent and the appointment are both determining factors to establish whether or not a farm manager is part of the farm equipment, and they are mutually exclusive. This apparent contradiction between the two jurists results from the fact that they discuss different issues.

Alternatively, *vilici* could rent an additional plot of land from their landowner, and manage it side-by-side with the estate entrusted to them, but on a different basis (i.e. as *coloni* or *serus quasi coloni*). There is no direct evidence supporting that hypothesis.

In conclusion, *vilici* paying some kind of rent must have been common, which implies that the question of the manager’s autonomy did not necessarily bear on the profitability of the estate.

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c. *legal status of vilici*

The alleged decline of slavery in the Imperial period is unlikely to have affected the role of *vilici* in agriculture, because the *vilicus* system was not necessarily associated with the slave mode of production. Slave labor was an ordinary feature of both agency and tenancy, and a hypothetical shortage of slaves is unlikely to have caused a general switch from one managerial system to the other. Even though a prosopographical survey shows that Italian *vilici* were mostly slaves, servile condition was not a requirement during the Principate, because *vilici* were business managers and belonged to the category of *institores*. The inscriptions and the literary sources record a few free(d) *vilici*, and there is no reason to think that *vilici* formed a subcategory with its own characteristics.

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103 Paulus *(2 ad Vit.*) Dig. 33.7.18.4: *"Cum de vilico quaeretur et instrumento ineset et dubitetur, Scaevola consultus respondit, si non pensionis certa quantitate, sed fide dominica coletretur, debari."*
104 Paulus *(29 ad ed.*) Dig. 14.3.16; and Ulpianus *(28 ad ed.*) Dig. 14.3.7.1. Cf. Chapter One and below.
On the basis of the scarce evidence about non-slave *vilicii*, some recent studies conclude that freeborn *vilicii* are never attested, and that manumitted *vilicii* are found only in two inscriptions.\(^{105}\) The first one was found in Tralles (Caria) and was dedicated by one Thalamus, most certainly a slave, to his *vilicus* Cn. Vergilius Nyrius, freedman of one Cn. Vergilius.\(^{106}\) It seems possible that the stonecutter made a mistake in writing “villico” instead of “villicus” —in which case the *vilicus* would have been Thalamus himself—although the reflective pronoun “su[O]” indicates that the *vilicus* was the recipient of the dedication. The other inscription has been found in Atina (Italy, Regio I) and commemorates the fourteen-year long management of C. Obinius Epicadus, freedman of one C. Obinius, and of Trebia Aphrodisia, a freedwoman and possibly Epicadus’s wife.\(^{107}\) However, nothing indicates that the couple was still in activity at the time of the dedication of the inscription. Manumission may have been granted upon retirement.

In spite of the uncertainty about the latter instance, there is no doubt that active *vilicii* were sometimes manumitted slaves or freeborn individuals. A few other instances illustrate this point. Two inscriptions found in Capua (Regio I) record manumitted *vilicii*. The first honors one Britius Alexander and his spouse Brittia Apamia, both former slaves of one M. Britius.\(^{108}\) The second example records one M. En(nius) Elp(idus), whose reconstructed title of *vilicus anato(cismi) points toward moneylending activities and whose name suggests free(d) status.\(^{109}\) Further, one among very few private *vilicii* attested in Northern Italy was named Tellius Censorinus and was perhaps a manumitted or freeborn manager.\(^{110}\) The dates of these last two instances are uncertain. Finally, there are two possible instances from Gallia Belgica. One inscription records one Q. Titius, who was the *vilicus* of Tib. Iulius Tiberius, *duumvir* of the Nervii. On the basis of the names of both agent and principal, the former seems to have no connection with the latter.\(^{111}\) In another inscription, the *vilicus* Celsus is introduced as the patron of a freedwoman (Gamama), which seems to indicate that he was himself of free status.\(^{112}\) This list could be extended by including a few imperial *vilicii*, who, it is worth noticing, seem even more likely to be non-slave than private managers.\(^{113}\)

Why were Italian *vilicii* mostly slaves? The answer to this question may lurk in the well-known fact that slaves usually acquired some experience in the fields while growing up\(^{114}\) and sometimes even received an education paid for by their masters as a form of investment. This remark, however, applies to freedmen as well. Why then did not most slave *vilicii* obtain their freedom, since the prospect of being manumitted should have served as a strong incentive for them to be loyal and efficient?\(^{115}\) One famous case shows that some *vilicii* were fortunate enough to be manumitted. When the fictional character Trimalchio was still a slave, he was relegated from his position of *dispensator* in his master’s urban household to a *vilicatio* in the country after being suspected of having a sexual relationship with his master’s wife.\(^{116}\) Trimalchio held the position of bailiff only for a


\(^{109}\) AE 1980, no. 230. The reconstruction by S. Panciera, *Epigraphica* 22 (1960) 20:36, esp. 34 is debatable, since there is no parallel example.

\(^{110}\) CIL V 7739 (near La Spezia, Regio IX): “Tellius Censorinus / vilicus Comitum / [ram munus Laribus / d. suo / l. m.” The *nomina* Tellius is not attested elsewhere, and is perhaps a mistake for <Q >ellius.”

\(^{111}\) CIL XIII 3572 (Bagacum): “Tib. Iul(io) Tiberi(o) / Ner(viorum) [Q. Titius / vilicus liectoris].”

\(^{112}\) CIL XIII 4552 (from the region of the Mediomatrici): “[D]is Mai [anusibus] / Cam. – [a Celi v]il(icis) / Lib[ertos] Ianuarius filiac / annos XVIII.”

\(^{113}\) CIL VI 532; 7528; 9089; 9984 [public]; AE 1987, no. 186 (all from Rome).

\(^{114}\) R. C. Weaver, *Familia Caesaris* (Cambridge 1972) 5 considers that imperial *vilicii* working on imperial estates were administrative servants and “can scarcely be said to belong to a familia rustica” because of their privileged status within Roman society. This might be true from a social point of view, but it does not affect their legal position nor their functions as agents of the emperor as a private landowner.

\(^{115}\) Columella, *Rust.* 11.1.7: “Quare, sicut dixi, docendus, atque rustico operibus edurandus, multus prius experimentis insipientia ehit futurus villicus.”

\(^{116}\) A good slave *vilicus* could indeed be promoted to higher functions (position of *procurator*), cf. NT, Math. 24:45-47. S. Treggiari, *Roman Freedmen during the Late Republic* (Oxford 1969) 106 points out that the agronomists neglect to mention manumission as an incentive or a reward for good *vilicii*.
short while until he regained his master’s favor to be subsequently manumitted and promoted to his glorious fate of nouveau riche. Interestingly, Trimalchio made no allusion to this stage of his career in his funeral inscription. Previous occupations were unlikely to be advertised on tombstones, especially if the commemorated person had climbed up the social ladder and wanted his lowly past to be forgotten. An exception is provided by a retired public silicus, once in charge of the treasury of the municipium of Patavium, who had become a farmer and advertised his career change on an altar dedicated to Priapus. The dedicator of the inscription thought that his previous position was prestigious enough to be worth recording. Other managers of agricultural estates may not have shared his pride.

Besides, non-slave managers may have snubbed the title of silicus because of its servile flavor, and consequently it may have become a habit to avoid it in referring to them. Such was perhaps the case of the freedman Acilius Sthenelus, whose revolutionary technique in wine growing allowed him to quadruple in ten years the value of the land entrusted to his care. Sthenelus was active during the reign of Claudius and worked for the famous grammarian Q. Remmius Palaemon, himself a freedman who reportedly made a fortune in education and in the garment industry. The suburban estate managed by Sthenelus on behalf of Palaemon was located in the vicinity of Nomentum in a depressed area known for the poor quality of its land. It is remarkable that Sthenelus owned another estate of 60 iugera in Nomentum, which he cultivated with the same success. The only author who records the manager of Palaemon’s estate is Pliny the Elder, who refers to Sthenelus’s activity as opera (singular) or cura, while ironically calling the principal agricola. Sthenelus was either a procurator or, more likely, a silicus, since Palaemon’s Nomentanum estate formed a single managerial unit, its size being estimated between 166 and 360 iugera on the basis of the purchase price of the land (600,000 sesterii) and on the basis of its exceptional yield (worth 400,000 sesterii).

It is always difficult to differentiate procuratores and non-slave silici. Cicero plays with this ambiguity in his defense of Sex. Roscius Amerinus, charged with patricide in 80 B.C. The prosecutor contended that the defendant was in unfriendly terms with his father who, out of hostility, had relegated him to the country and appointed him to the infamous position of silicus. By contrast, Cicero tries to demonstrate that it was common for municipal landowners to entrust their sons with the administration of their estates, and goes on arguing that, in the defendant’s case, his father not only appointed him as estate manager, but also allowed him to keep for himself the produce of some fundi. The father owned thirteen estates in America (Umbria) along the Tiber, and it is not clear whether the son was in charge of a single fundus (which would bolster the prosecutor’s case) or of the whole property (which would stress the trustworthiness of Cicero’s client). Neither party seemed able to

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117 Pliny, *HN* 14.48. This story, however, could be the result of a duplication by Pliny the Elder, caused by irreconcilable variants in his sources (for instance, the size of the estate). It is also possible that the order was chronologically reversed, and that Sthenelus acquired his plot after managing Palaemon’s estate.

118 *CIL* V 2803 (RegEx X): “Villicus aerarii quondam nunc cultor agelli / haec: tibi perspecit templa Priape dico / pro quisq. officinis si fas est sancte pacisior / adhuc custos curas ut esse vellis / improbus ut si quis nostrum violabit agellum / hunc tu sed tento scis puto quod sequitur.”


120 Sue., *Gramm.* 23 reports that Palaemon was making 100,000 sesterii a year out of his school alone, to which should be added the profits drawn from his cloth workshops (“cum et officinas promerimentum vestri exerceret”) and from his agricultural estates.
produce a decisive argument about this point, and this part of the speech must have contributed little to Cicero's eventual victory. It is, however, quite possible that Sex. Roscius was a freeborn vilicus in his father's power. We have seen in the previous chapter that the legal position of a son-in-power was similar to that of a slave.

The non-slave status of other vilici may escape notice, for instance because of the lack of explicit reference in the texts recording them, and because they are not referred to by duo or tria nomina.127 This might be the case of Nicephorus, the vilicus of Cicero's brother. Principal and agent had made a contract for the construction of minor additions to the former's villa at Laterium for the sum of 16,000 sesterces. A locatio conductio operis requires a contractual capacity on both sides, which a slave agent enjoyed, except when dealing with his own master.128 In addition, Cicero refers to Quintus's instruction to Nicephorus as mandatum instead of iussum. The word is obviously used in a non-technical sense—locatio conductio and mandatum are mutually exclusive—but it emphasizes the existence of a consensual contract established between principal and agent. The use of mandare is not conclusive in itself, but in two other Ciceronian passages the technical meaning of the word is emphasized.129 If Nicephorus was a slave, he could have been a mercennarius working independently on behalf of an unspecified master (χορήγων ὁδότης), like the slave Cillo in the same letter, who was responsible for an irrigation project at Quintus's house at Bovianum.130 The issue is important, because if Nicephorus was indeed a freedman or a servus alienus, he could be the earliest occurrence of a contractual agent whose transactions would have given rise to an actio inestititia against the principal.131

It is admittedly hazardous to determine a person's status on the basis of his/her name, even though it is often the only way to do so. As mentioned above, even slaves could use duo nomina. Often, freedmen adopted as a cognomen or agnomen (second cognomen) a name ending in -anus derived from their former master's nomen or cognomen. This occurs rarely in the first century A.D., but more often later on; chances are that we are then dealing with members of the imperial household. Slaves and equestrian procuratores sometimes did so as well.132 Thus, it is possible, yet unwarranted, that the vilicus Serglianus who dedicated an altar to Diana Lucifera Augusta in Montana (Moesia) was the freedman of a member of the gens Sergilia.133 Cases where the name was formed on a cognomen are even more elusive: we know, for instance, a vilicus named Scarianus—after the cognomen Scaurus—but the rest of the inscription explicitly indicates that he was an imperial slave active in Dacia.134

This tombstone, however, may provide a clue to explain the scarcity of manumitted vilici: Scarianus died at age 23. As mentioned above, Trimalchio must have been around 20, if not younger, when he was sent to the country. It is possible that vilici were commonly appointed in their youth, as suggested by the jurist Gaius who reports that "most people appoint youngsters in the position of business managers."135 Because of the Aelian Sentian Law (A.D. 4)

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128 Cic., QFR. 3.1.5 (54 B.C.); cf. S. Treggiari, RFLR (1969) 107. The only case where a contract between a slave and his master was valid was when the slave was someone else's agent (institor mercenarius), cf. Ulpianus (26 ad ed.) Dig. 14.3.11.8; and Julianus (11 dig.) Dig. 14.3.12. O. Lenel, Das Edictum Perpetuum (Leipzig 1927) 261-62 suggests that the master would have been given an actio inestititia utile ("si liber esset ex iure Quiritium") against the principal.
129 Cic., Do Or. 1.56.249: "... si mandandum aliquid procuratoris de agris cultura ac iterandum vilicis est;" and Cic., Res. Am. 38.111-135.15, with a discussion of the degrading effect of the actio mandat. About the non-technical use of mandare and mandata in literary sources, cf. A. Watson, Contract of Mandate in Roman Law (Oxford 1961) 11-16 (in Plaucus), including mandata given by freedmen to their slaves (p. 12, n. 3, with reference to Plaucus, Amph. 338; Asin. 121; Capt. 343; Epid. 46 and 90; Mostell. 25; and Pose. 125). Cf. also M. Just, "Anskue zu Anschein-vollmacht im römischen Recht," in Festschrift für K. H. Neumann zum 65. Geburtstag (Baden-Baden 1965) 355-78, esp. 389, discussing the interpollation of a passage by Paulus (1 derec.) Dig. 14.5.8.
130 Cic., QFR. 3.1.3; cf. S. Treggiari, RFLR (1969) 99. S. Martin, The Roman Law and the Organization of Private Building in the Late Republic and Early Empire (Brussels 1989) 55; n. 53 thinks that Nicephorus was almost certainly a slave with peculium. If she is right, it implies that the contract between Nicephorus and his master gave rise to an obligatio naturalis, but the concept is not attested sofar before the time of Augustus or even Nero; cf. I. Buti, Studi sulla capacità patrimoniale dei servi (Naples 1976) 265-75; and R. Vigneron, BIDR 23 (1981) 589-99. For the expression "actio inestititia utile," cf. Chapter Two.
131 P. R. C. Weaver (1972) 89-92 and 212-23.
132 AE 1985, no. 737.
133 AE 1956, no. 209 (= CIL III 1610).
134 Gaius (3 ad ed. prov.) Dig. 14.5.8: "Nam et plerique puerus pueretus tabernae praeposuntur," probably applicable to other types of economic activities, including farm or workshop management; cf. below (eiusus as ejector), Chapter Four, and my paper, "Workshop Managers," in W. V. Harris (ed.), The Inscribed Economy (1993) 171-81, esp. 190. In Dig. 14.3.3, the word taberna represents any kind of locum emendis vendendiae."
which set drastic restrictions on manumissions of slaves under the age of 30,136—and the current opinion is that manumission before 30 were not common137—young *vīlicit* had to wait a long time before fulfilling their dream of freedom. Many never reached the age limit. Among them, Narcissus, who died at age 25 while working for T. Titius Florianus and Teia Gallus in Venafrum (Regio I), expressed his sorrow and resignation in a verse epitaph probably set up by his master:

            The law denied me the benefit of a deserved freedom because of my youth, but an untimely death gave it back to me for ever.138

The effect of the Aelian Sentian Law combined with the low life expectancy of people in ancient Rome in general, and of slaves in particular, may have deprived many a diligent *vīlicit* of what would have been a normal expectation: freedom as a reward for good services.

136 Gai., *Inst*. 1.18–19: "Quad autem de actae servi requiritur, lege Aelia Sentia introductio est. Nam ea lex minores XXX annorum servos non aliis veluti manumissiones cives Romanos fieri quam si vindicata, apud casuainum iusta causa manumissionis adprobata, liberati fuerint. Iusta autem causa manumissionis est veluti si quis filium filiamve aut fratrems sororemve natualem, aut alium aut paedoegum, aut servum procuratoris habendi gratia, aut ancillam matrimoni causae apud consulum manumittat." On the manumission of slaves under 30 and the *Lex Aelia Sentia*, cf. de Zulawa’s commentary on Galus 1.80ff.; P. Angelini, *Il procuratore* (Milan 1971) 86–87; M. Kaser, *Das römische Privatrecht* 2 (Munich 1973) 297. The problem of the appointment of a procurator as a *iusto causa* did not receive the attention it deserves. Perhaps *initios* and *vīlicit* were not important enough to be included in the provision. I would rather suggest that their servile status was no obstacle and was even convenient: the status of Iunianus Latin was perhaps thought to affect the credit of freedmen, even though they had the *ius commerci*. Of related interest is a passage by Ulpianus (*Reg. 1.12 = FIRA IV*, p. 263) recording a different provision of the Aelian Sentian Law according to which slaves under 30 who were manumitted by the rod (*vindicab*) without the approval of a private council automatically became imperial slaves.


Thus, hidden status, short life expectancy, and legal barriers may partly account for the scarcity of freedmen and freeborn among known Italian *vīlicit*. However, none of these arguments is totally convincing, and it remains unclear why landowners were obviously reluctant to appoint freeborn or manumitted *vīlicit*, since there was no legal obstacle to do so. While some *vīlicit* must have moved on to new positions before or at the time of manumission, it is surprising to note that many slave *vīlicit* recorded on tombstones died at an old age, or at least after 30.139 If these slaves could retain their position for a long time, they must have done a decent job. This was obviously not a good enough reason to manumit them, and it is safe to assert that slave *vīlicit* seem to have never lost their appeal to landowners.

To sum up, the respective availability of slave and free labor is not sufficient to account for the choice between tenancy and the *vīlicitus* system, for Roman law did not prevent slaves from being tenants or non-slaves from being *vīlicitus*. A survey of the epigraphical material concerning *vīlicitus* in Italy and Sicily shows that some of them can reasonably be considered as freedmen, and none as freeborn. Considering that manumitted *vīlicitus* were more likely to record their exceptional status, it seems logical to assume that the majority of slaves with no status indication refer to slaves rather than freedmen. For the same reason, freed *vīlicitus* may be overrepresented in inscriptions in comparison with their frequency in real life. Thus, it is obvious that even though landowners were not compelled to choose their bailiffs among their slaves, they elected to do so for practical reasons. In addition, it appears that bailiffs rarely remained in the same position after manumission. The reasons behind this preference for slave *vīlicit* are not entirely clear.

139 *CIL* VI 8684 (the parents of the *vīlicitus* Auximus died at 87 (mother) and 85 (father), which suggests that Auximus was at least in his 40’s (provided that the figures are reliable); AE 1929, no. 155 (Athieus, imperial *vīlicitus*, died at 31); *CIL* VI 37823 (an imperial *vīlicitus* who died at age 32); *CIL* XI 1751 (a public *vīlicitus* from Volsterra (VII) died at age 44); *CIL* X 7041 (Gallicanus in charge of an agricultural estate in Sicily died at 45); *CIL* VI 8495 (Sabbio, an imperial *vīlicitus* in charge of an apaduct, had lived 28 years with his concubine when he dedicated the inscription); AE 1955, no. 205 (an imperial *vīlicitus* in charge of a *statio* for the collection of customs dues died at 64); *CIL* VI 8676 (Flavius, an imperial *vīlicitus* in charge of the Neronian baths, had lived with his concubine for 40 years; there is a slight chance that he was a freedman); AE 1989, no. 195 (a *vīlicitus* possibly in charge of an agricultural estate near Briclilia died at age 120, but the figure (CXXX) must be wrong and should be read 70 (LXX)). Cf. also *CIL* XIV 199 (a freed *vīlicitus* in charge of a *praetorium* died at age 40).
2. The economic aspect of the vilicus system

Tenancy and vilicus system are attested side-by-side in the same geographical areas and in the same periods. M. Rostovtzeff mentions that the vilicus system—combined with the slave mode of production—was common in Latium, Campania, and Etruria, and basically all over Central and Southern Italy, while small landowners who became coloni from the time of Augustus onward were mostly found in Etruria, Umbria, Picenum, and in the Po Valley; other regions, such as Apulia, Samnium, Latium, Sicily, Sardinia, and Corsica consisted mostly of pasture land. The epigraphical evidence for Italian vilici, though biased toward the area around the city of Rome, leaves the question of geographical distribution of vilicus open, as it is often unclear whether a vilicus was in charge of an agricultural estate or of some other type of enterprise. This indicates that neither mode of cultivation was so convenient and advantageous as to supersede the other. This fact can be interpreted in three different ways.

a. profitability of agency vs. tenancy

There was probably no significant difference in terms of productivity and cost-efficiency between agency and tenancy, and if there was any, it was not necessarily the landowner’s main concern. Both systems could rely on slave labor, even though it is possible that most tenants had few or no dependents to help them cultivate their plot. In both systems, the landowner had to provide and repair the farm equipment, and collected his share of the profits, in the form of rent or crops (or the proceeds of their sale). Judging from the New Testament and from the writings of Columella, Pliny the Younger, and Symmachus, this process sometimes entailed a great deal of frustration. Moreover, it seems that failure to pay the rent did not usually result in eviction from the land. The smooth and successful collection of the return from an agricultural estate depended less on the type of management than on the pressure that a landowner could exert on his tenant/manager, and ultimately on the latter’s ability to pay.

One could argue that tenants might have kept a larger share of the profit than vilici. As we have no information concerning the ratio of rent to productivity in Roman Italy, it is difficult to estimate how profitable tenancy was to the landowner. Pliny’s letters, however, show that in his case the profit to be made was less important than the steadiness of the income and the uninterrupted cultivation of his estates.

b. reliability of vilici

Agency and tenancy must each have had their pluses and minuses, and could be more or less attractive according to the circumstances. The agronomists insist that the vilicus system requires more supervision on the part of the landowner than tenancy. This attitude is biased, and rests on the double assumption that tenants are, by nature, more responsible farmers than vilici, and that the latter invariably try to cheat their landowners and to abuse the workers for their own benefit. Columella, however, indicates that tenancy required an active supervision on the part of the landowner, lest the land be neglected or abandoned. The stakes were so high that landowners were advised to regard the continuous exploitation of leased plots as more important than the regular payment of the rent. In addition, Roman moralists expect slave employees to engage in all kinds of passive and active resistance. Such actions and attitudes on the part of slaves undoubtedly occurred, but both the primary evidence and the historical probability point toward a different reality. A few inscriptions dated to the Imperial period were set up by grateful masters who praise the loyalty of their managers.

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143 Columella, *Rust.* 1.7.1: “Avarius opus exiguit quam pensiones.”
146 *CIL* VI 9989 (= *ILS* 7370, Rome): “Sabiniano vulico et homini bono et fidelifissimo.” *CIL* XI 1751 (a publice vilicus from Volaterra, Regio VII, honored by a decree of the local council carried out by a quaestor): *CIL* X 7041 (= *ILS* 7371, Catania/Sicily): “Gallicano fidelifissimo, qui fuit vilicus Afaniae (praedii);” *CIL* XIV 469 (= *ILS* 7376, Ostia): “Cerdonis actornis (a) fidelifissimi;” *CIL* VI 9119 (=
inscriptions show the affection and gratefulness of managers toward their principal. Significantly, Plautus names the bailiff of one of his characters Pistus (in Greek, "loyal, conscientious") and there is no reason to see any joke or irony in his choice. The cognomen itself is not rare in Latin inscriptions, especially among freedmen. Columella urges landowners to test the loyalty and good dispositions of would-be vilici at an early age as a necessary corollary of their technical training. One could argue that the evidence cited here is either exceptional or stereotyped, but, on the other hand, Ausonius and Symmachus, who voice their disappointment in their vilici, were clearly expressing the prejudices of the elite. In either case it is difficult to generalize, but these documents reflect a certain degree of social peace.

A similar bias against estate managers is observed in other historical contexts. In the Southern states of antebellum America, the evidence about the overseer system reflects the planters’ frustrations and prejudices, and conveys the impression that overseers were generally unreliable. It is remarkable then that a planter from Green Hill, Tennessee, A.T. Goodloe, expressed in the Southern Cultivator (no. 18, September 1860, p. 287) his amazement concerning the view commonly held among his fellow planters that overseeing was "a calling unfit to be followed by a man who possesses any gentlemanly principles, or has respectable parentage." Occasionally, some planter would speak in defense of overseers. James Barbour, President of the Agricultural Society of Albemarle County, Virginia and future Secretary of War in the Cabinet of John Quincy Adams, reportedly said at a meeting of the Society on November 8, 1825 that "undue prejudices are indulged against this class of people. That such a class is necessary to the state of society, their existence and employment unquestionably prove. A prejudice against that which is indispensable cannot be defended on rational grounds." Such testimonies, as well as the account of individual careers, induced a leading authority on American overseers to conclude that "in the final analysis, [it] seems warranted that, within the limitations imposed by their background and by the vast responsibilities with which they were burdened, the majority of southern overseers performed their duties with commendable energy, efficiency, and competence." The same judgement probably applies to the vilicus system in the Roman Empire.

Vilici formed a select group of privileged slaves and were therefore more likely to be induced by social or economic incentives to side with landowners, keeping the behavior of their subordinates under control, and taking good care of the equipment. Harshness on the part of the bailiff towards the hands was expected, and when fairness was applied it did not go unnoticed: the familia rustica attached to the estate of one Plautius at Tectae Marrucinorum (Regio IV) set up a tombstone to commemorate the restraint of its vilicus Hippocrates. Conniving between vilici and landowners is supported by comparative historical cases; in nazi concentration camps during World War II, the capos, recruited among inmates, often played into the hands of their torturers out of fear, ambition, or instinct of self-preservation.

One of the advantages of having vilici in various places throughout the country consisted in that landowners could employ them as agents to conduct business on their behalf within the adjustable limits of their appointment. Then, the purpose of the vilicus system was fulfilled only if no continuous supervision on the part of the landowner or his representative (procurator) was needed. One can wonder how often Julius Caesar could and would have stopped by to check the management of his vilicus Diogenes, who operated in

CIL XIV 2931, Ager Albanus/Latium: "Iunio actori fidissimus," Lucull., leg. 580-582 Krenkel; Cic., QFr. 3.1.5; cf. E. Maroté, Obituaires 1 (1976) 105-24, esp. 122, no. 76-82, to which one can add CIL VIII 2767, an inscription from Lambesia (Numidia) set up by one Julius Sahinianus, a military tribune of the third legion Augusta, in memory of Hyacinthus, his epistates fidissimus adque avitus servitus. An epistates was a kind of manager (Cato, Agr. 56).

147 These dedications were made by actores/πρατηκείς, but not by vilici: CIL XIII 6730 (= ILS 4615; Meguntiacum/Upper Germania); IGR III 1854 (A.D. 115, Kytoriai/Pontos); IGR IV 152 (II A.D., Cyzicus/Myasia); AE 1955, no. 80 (A.D. 230's, Lambesia/Numidia); AE 1968, no. 109 (III A.D., Latina or Satri- cum/Regio I).

148 Plaut., Merc. 277-278. Compare with Apul., Met. 2.26, where the actor is called Philostratus.

149 Columella, Rer. 11.1.7: "multisque prius experimentis inspiciendus erit futurus vilicus, nec solam an perdiderit disciplinam rustis, sed etiam domino fidem ac benevolentiam exhibeat, sine quibus nihil prodest villici summa scientia."


151 CIL IX 3028 (= ILS 7367): "... quibus imperavit modesti."

152 A satirical view of such behavior is presented in a movie by L. Wemtmer, Pasqualino Settebellozze (It., 1975).
Transalpine Gaul in 61 B.C. Nevertheless, he certainly considered him loyal enough to be entrusted with the delicate mission of hiding some slaves who, he feared, would contribute to create a major political embarrassment if they were to be questioned under torture by the magistrates in charge of investigating Clodius's profanation of the mysteries of Bona Dea.\footnote{This little known story is recorded in the *Schol. Bek. in Ciceronis in Clodium et Curténom orationem*, frg. 27a (ed. T. Stange), pp. 90-91): “Praetextatum argomenta quibus incestum P. Clodii potuerit facilem probari, nisi pecunia intercessisset. Nam C. Caesar pontifex diebus illius repudiariux; feminaeque quoque illi sacrificio interfuentur de interim virili testimonio dixerant; servi etiam, cum paterentur in quaestionem, alienati fuerant et in diversas provincias ab domino missi; quince et enim servi, in quos maxime suspicio congruabat, partim missi sunt ad Apulum Claudium, qui frater eius Clodii fuerat et in Graecia tunc agebat, partim ad viicium Diogennem nomine, qui trans Alpis moratur.” About the reliability of the Bobbio scholiast, cf. E. Badian, “Marius’ Villas: The Testimony of the Slave and the Knave,” *JRS* 63 (1973) 121-32, esp. 125-30. The implication of the fact that Caesar owned, rented, or possessed (cf. Gaius, Inst. 2.7 and 31; and Paulus [2 de cons.:] Digg. 50.15.8.1) some land in Transalpine Gaul (probably Narbonensis) before the conquest of the 50’s has not been given the attention it deserves. P. Moreau, *Clodio religio. Un procès politique en 61 av. J.-C.* (Paris 1982) 198 interprets the passage as referring to Clodius’s slaves, bailiff, and estate.} 

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\footnote{156 Plut., *Ti. Gracch. 8; and Appian, B.Civ. 1.1.7-8.* V.I. KuziÄ‡Ä‡ (1984) [1976] 69-68 and other scholars before him convincingly argue that both Appian’s and Plutarch’s accounts are anachronistic and reflect conditions existing in the late first century A.D. Others think that the statement is authentic, but amounts to a voluntary historical distortion used as political propaganda; cf. D.B. Nangle, “The Etruscan Journey of T. Gracchus,” *Hesperia* 25 (1976) 467-89.}

Settefinestre was one among eleven known villas in the Valle d’Oro engaged in the production of wine for seaborne trade. One can assume that mixed farming was practiced to support the staff of the villa. According to Carandini, the estate, estimated at ca. 500 igeræ, was divided into a vineyard (200 igeræ), woodland (30 igeræ), and agricultural land and pasture (270 igeræ). The rural household was composed of one *vilicus* and his concubine (*silia*), 11 slaves for the cultivation of agricultural land, and between 23 and 32 slaves for the cultivation of the vineyard and for wine-production, which makes a total of 36-45 people achieving self-sufficiency and producing some 4,260 amphorae (~111,612 liters) of wine a year.\footnote{155 On the occupation density of slave quarters, cf. N. Purcell, *JRS* 78 (1988) 197-98 (review of Tchernia [1986] and of Carandini et al. [1985]).} According to Carandini, these numbers are consistent with the archaeological data, namely the number of *cellae* identified as slave quarters and the volume of grapes that could be processed in the three *torcularia* discovered in the villa. The proceeds of the wine export are estimated at almost 64,000 sesterii, which represents a yearly profit of about 1,500 sesterii per slave.

Carandini’s model may be debatable on many points, but it suggests that the slave mode of production was, theoretically, very profitable. If the model is realistic and was reproduced in each of the eleven identified villas of the Valle d’Oro, the region would indeed present the feature recorded by Tiberius Gracchus during his trip to Spain in 137 B.C., when he first took notice of the absence of citizen-farmers and the prominence of foreign slaves in the position of cultivators and shepherds.\footnote{156 Plut., *Ti. Gracch. 8; and Appian, B.Civ. 1.1.7-8.* V.I. KuziÄ‡Ä‡ (1984) [1976] 69-68 and other scholars before him convincingly argue that both Appian’s and Plutarch’s accounts are anachronistic and reflect conditions existing in the late first century A.D. Others think that the statement is authentic, but amounts to a voluntary historical distortion used as political propaganda; cf. D.B. Nangle, “The Etruscan Journey of T. Gracchus,” *Hesperia* 25 (1976) 467-89.}

The main problem with this model is that it does not take into account seasonal variations of labor input into wine-making. The vintage period probably required much more than 45 workers to carry out the operations on an estate of this size. During this period, the landowner or his *vilicus* must have hired supplementary workers. Since the harvest of grapes allows for almost no anticipation or postponement without subsequent loss in quantity or quality of the...
production, neighboring estate had the same needs in extra labor at the same time, and manpower shortages were likely to occur, unless a good supply of workers was available in the vicinity. The proximity of the town of Cosa, only three kilometers away from Settefinestre, could provide part of the required additional labor, and in fact a drift from the town to the countryside is attested in the last quarter of the second century and in the first quarter of the first century B.C.\textsuperscript{157} It is not specifically related to the villa of Settefinestre, which was built in the middle of the first century B.C., but one cannot infer from that that there was no agricultural concern on the same site before the construction of the villa. If the town had been too far away, temporary labor would have had to come from another source.\textsuperscript{158}

If one looks at the map surveying the agricultural facilities of the Ager Cosanus, one notices a considerable number of secondary buildings which are not accounted for in Carandini’s reconstruction.\textsuperscript{159} Besides, one has to allow for possible wooden structures, used either as houses, stables, or storage spaces, which would have left no archaeological remains. Small landholders, either independent farmers or tenants, could provide supplementary hired labor and, theoretically, compulsory service. This might have been the solution to temporary manpower shortages in large slave-staffed villas. Small landholders could provide supplementary labor only if they were not engaged in the same type of production or if they were chronically underemployed because of the small size of their plot.


\textsuperscript{158} M. Rostovtzeff, SEHRE (1957) 63 points out that large villas in Apulia, Calabria, Etruria, Sardinia, and Africa were often surrounded by villages (foci) inhabited by wage laborers and slaves. For the complementarity of slave labor and transient workers, cf. Apul., Apol. 17.1.

\textsuperscript{159} M. Grazi Cucuzza - E. Regoli, “Gli insediamenti nella Valle d’Oro e il fondi di Settefinestre,” in A. Carandini et al. (1985) 46-59, esp. 52 report that these secondary buildings were built in the second century B.C., and that most of them were abandoned in the second half of the first century B.C. Those remaining in activity were rare and very poor. J. Carandini, ARID 15 (1984) 50-51 reminds that the interpretation of the archaeological evidence from the Ager Cosanus has been influenced by the opposite ideology (liberalist vs. marxist approach) of the two teams of excavators at work there (an American team lead by S. L. Dyson, and an Italo-British team lead by A. Carandini et al.). Cf. also S. L. Dyson, “Some Reflections on the Archaeology of Southern Etruria,” JFA 8 (1981) 79-83, esp. 81-83.

D.W. Rathbone showed the theoretical improbability of the absence of small holdings in the Ager Cosanus, and calculated that the employment of mixed labor was twice as profitable as slave labor.\textsuperscript{160} This explains why the small peasantry survived the rise of the slave mode of production. But were it only a matter of profitability, such a rise would not have been possible, since Rathbone’s calculations show that mixedage and the exclusive input of free labor in villus-managed farms would have been even more profitable than mixed labor.

What is surprising is that, even though free labor must have been available outside, the owner of the villa considered it appropriate to build extended slave quarters (provided that the identification of the excavated facilities is correct) precisely when wine-production was supposed to be in its decline (Flavian period). What is even more surprising is that, in spite of this decline—admittedly slow—the villa continued to prosper for a century (until the end of the Antonine period). During this period, the pars rustica of the villa took more and more importance (especially in the Trajanic period).\textsuperscript{161}

As a tentative explanation, one may suggest that the staff of the villa of Settefinestre was not involved only, or even mainly, in agriculture. It is well known that during the late Republican period the vicinity of the harbor of Cosa was the site of the production of amphorae of the Dressel 1 and 2-4 types. The stamp of many of the Dressel 1 amphorae bears the name of Sestius, a family of landowners, wine-producers, manufacturers, or merchants otherwise well attested in the first century B.C.\textsuperscript{162} Even though the production of the


\textsuperscript{162} D. Manacorda, JRS 68 (1978) 129 n. 22, citing E.L. Will. Cicero mentions one Publius Sestius, prae tor in 54 B.C., who owned some property at Cosa (Att.
Sestian amphorae cannot be assigned to the villa of Settefinestre, one may speculate that the staff of the villa was also involved in non-agricultural activities. It is known that ancient legal writers were aware that some economic activities conducted on agricultural estates were more profitable than mixed farming. For instance, Ulpius records the case of an usufructuary farmer who converted part of his estate into a quarry, a clay bed, or a sand pit. Others would go into mining.163

At Settefinestre, tile and brick production could be thought of as possible alternatives, but these industries were commonly practiced on a seasonal basis, which seems to overlap the vintage time.164 However, the seasonability of ceramic and brick/tile production is a controllable factor, adjustable as needed. Some villas were equipped with sheds on pillars, open on each side, where the process of drying before firing could take place even in the winter.165 Another important activity connected with the town of Cosa was the fish industry. Located near the harbor was a fish-farm that required a large labor force to operate water-lifting machinery, and to build and maintain the facilities. The same staff could also be involved in fish processing. It has been suggested that the Sestii were involved in the commerce of fish sauce, but strong evidence is still missing.166 Such an industry would have called for subsidiaries producing containers, and would have required a network of distribution. Even though the fisheries of Cosa were probably not connected with the villa of Settefinestre, it shows that non-agricultural jobs were available in the area.

Underemployment in agriculture affected not only slave-owners in Roman times, but also small landholders. Columella already recognizes the necessity to plan the farmwork over a period of 250 days, including 45 days of rain and 30 days of rest after sowing.167 The rest of the year, a little less than four months, was to be used for all kinds of useful tasks, such as hauling hay, forage, and manure, or engaging in short-term crops.168 If bad weather was contrary to

15. 27.1. His son, L. Sestius Quirinalis, was consul suffusus in 23 B.C.; tiles with the latter's stamp have been found (CIL XV 1445, Rome); cf. also E.L. Will, "The Sestius Amphoras: A Reappraisal," JFA 6 (1979) 339-50; H. D'Arms, CSAR (1981) 35-62 rightly argues that the manufacturer of the Cosan amphorae was L. Sestius, the father of Cicero's friend, who abstained from pursuing a political career (Cic., Sest. 3.6); and D. Manacorda, SRPS II (1981) 28-36.

163. Ulpiusus (18 ad Sub.) Dig. 7.1.35.5: "Inde est quaestum, an lapidicinias vel cretdinicas vel hareninicas ipsi instituere possit: et ergo puto etiam ipsum instituere possis, si non agri partem necessarium huic rei occupaturs est. Promine venas quoque lapidicinarum et huiusmodi metallorum inquirere poterit: ergo et auri et argentii et sulpurus et acris et ferri et ceterorum fodinas vel quas pater familias instituere poterit vel ipse instituere, si nihil agriculturae nocebit. Et si forte in hoc quod instituit plus reditus sit quam in vinis et arbusulis vel olivis quae fuerunt, forsan etiam hanc decidere poterit, si quidem ei permittatur meliorare proprietatem." Cf. also Ulpiusus (33 ed.) Dig. 27.9.3.6 and 5.6.; and A. Steinwenter (1942) 63.

164. H. Bloch, "Gonsules suffus on Roman Brick Stamps," CP 39 (1944) 254-55; cf. below Chapter Four. This fits well with Laber's example of a landowner having potters on his estate whom he employs for most of the year at farmwork, cf. Iavolenus (2 ex posterioribus Laberitis) Dig. 33.7.25.1. However, the season for brick-making might be longer than is generally assumed: AE 1982, no. 843 (Moesta) provides a mark stamped on a brick before firing. The stamp is dated to the day before the Kalends of March. It is not the place to discuss in detail the various possibilities encountered in pottery-making. However, D.P.S. Peacock, Pottery in the Roman World: An Ethnoarchaeological Approach (London/New York 1982) presents modern cases across the area covered by the Roman Empire which show that (a) pottery-making could start months before the time of firing (p. 14); (b) pottery-making was often, but not necessarily, a seasonal female activity (p. 17); the brick factory located on the estate of Eashburnham employed male potters all year around, sun-drying the clay and of the brick being replaced by storage under protecting hakes (pp. 46-50). Internally-situated kilns had the advantage of providing a heated storage space which freed the workers from the necessity of relying on the sun to proceed with the production (p. 30).

15. For instance, at the Roman villa dell'argine di' Agosta in Emilia Romagna, in the Valle del Mezzano, in the vicinity of Padova, in activity from the first century B.C. to the fourth century A.D., cf. G. Uggeri, "Un insediamento romano a carattere industriale," Musei Ferrarese 3 (1973) 174-86, esp. 175. A somewhat different structure has been excavated at Piazza, near Metaponto, where a brick factory (V-VI B.C.) comprised a large covered space near the kiln where the moulded bricks and tiles were kept before firing and the finished products stored before transport to the final destination; cf. J. Carter, "Rural Architecture and Ceramic Industry at Metaponto, Italy, 350-50 B.C.," in A. McWhirr (ed.), Roman Brick and Tile (Oxford 1979) 45-64, esp. 37. Cf. also previous note.

165. A.M. McCann, "The Portus Cosanus: A Center of Trade in the Late Republic," RCRF 25/26 (1987) 21-70, esp. 32-33 (Fig. 15) and 39-40, mentions an amphora from the Athenian Agora (Ath. Ag. Excavation P 6807), of a type identified as containing fish sauce, bearing no stamp but a red painted inscription CO/SES. It is dated to the very end of the second century B.C. and is unique. Cf. also R.I. Curtis, Garum and Salamina. Production and Commerce in Materia Medica (Leiden 1991) 97.

166. Columella, Rust. 2.12.8-9. Let us note, however, that labor input in olive cultivation peaks in the winter time, a marked difference with wheat or wine production.

167. Gato, Agr. 2.3-4 describes the work to be done during rainy days and holidays; cf. K.D. White, "The Productivity of Labour in Roman Agriculture," Antiqity 39 (1965) 102-07, esp. 103-04. In medieval England in the last quarter of the thirteenth century, Walter of Henley, a former bailiff, allows for only eight weeks off for holidays and other "disturbances" (30), cf. D. Oschinsky, Walter of Henley and Other Treatises on Estate Management and Accounting (Oxford 1971) 315. For the re-
agricultural—and, to some extent, industrial—production, it had
the immediate effect of filling the waterways which were used to
transport the production of the villa to the market-place. Pliny
the Younger, who owned a villa at Tifernum Tiberinum some 150
miles north from Rome, says that the Tiber was navigable only in
the winter and spring, at which time the produce was conveyed
to Rome.\(^{169}\) If part of the work force attached to the villa was
underemployed at this time of the year, it could be assigned to the task of
loading, unloading, storing, and selling the goods, both
agricultural and artisanal/industrial, produced during the rest of the
year. This would explain why the equipment of the villa included
the material, containers and vehicles, necessary to carry the products of
the farm to the market.\(^{170}\) Finally, the servile staff of the villa could be
rented out to independent entrepreneurs on a temporary basis.
Ulpianus considers that these workers are nonetheless part of
the farm equipment.\(^{171}\)

To sum up: absentee landowners relied on a mixed work force
under the leadership of the *vilicus* who coordinated the respective input
of skilled and unskilled labor. Temporary shortages of man-
power could be balanced by hiring wage laborers in order to keep the
level of seasonal underemployment of the villa staff at the lowest
level year round. The availability of temporary wage laborers depen-
ded on the existence of small plots worked by independent farm-
ers or tenants, whose activities were somewhat different from that
performed on the estate managed by the *vilicus*. Thus, a diversifica-
tion of activities was imposed upon the managers of such estates.\(^{172}\)
The system was most efficient if it required minimum supervision
on the part of the landowner.

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168 **CHAPTER THREE**


170 Ulpianus (20 ad Sub.) Dig. 33.7.12.1: “Sed et ca, quae exportandorum fruc-
tuum causa parantur, instrumenti esse constat, veluti iumenta et vehicula et naves et
cuppae et cetera.”

171 Ulpianus (20 ad Sub.) Dig. 33.7.12.8: “Servi, si aliqua parte anni per eos
ager collit, aliqua parte in mercedem mittuntur, nihil minus instrumento con-
tinentur.”

172 Coloni could also be involved in non-agricultural activities, cf. Ulpianus (18
ad ed.), citing Proculus and Neratius, Dig. 9.2.27.3 and 11 (about a slave *fornicarius*
who belonged to a colonus and whose negligence had caused a fire). Cf. also Cod. Thud.
13.1.10 (A.D. 374; concerning the *collatte bursaria*); and A. Carandini, Studi

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**D. Vilici as Business Managers**

Discussing the difference between agriculture and grazing, C.
Licinius Stolo remarks that distinct managers are appointed to take
care of either sector: the bailiff (*vilicus*) and the chief herdsman
(*magister pecoris*).\(^ {173}\) The choice of the terminology used by Varro
(*"praeponuntur"*) is hardly a coincidence, as Columella also re-
commends the appointment of a mature person to the position of
bailiff, specifying that the *vilicus* would be in charge of the *fundus* and
would command a *familia*.\(^ {174}\) These two texts demonstrate that *vilici*
were *praepotiti*, i.e. *instiores* in the juristic sense of the term (cf. Chap-
ters One and Two).

Major differences of functions could exist among *vilici* in charge
of agricultural estates. These differences arose from the scale and
structure of the managerial unit, but also from the entrepreneurial
strategy of the landowner. The jurist Paulus is aware of this fact
when he denies the *actio institoria* against the principal of a *vilicus*
who has been appointed for the sole purpose of collecting the produce of
the soil. This type of *vilicus* is best represented in the literary sources
by Regulus’s story (cf. above). There is hardly any doubt that the
*vilicus* had been hired primarily as a farmer. Since Regulus’s plot
was too small to require extra labor input and to yield any market-
able surplus, the appointment entailed no business activity. On the
other hand, Paulus knows that in real life many *vilici* were involved
in more sophisticated and lucrative pursuits, in connection with
which they were required to make all sorts of contracts on behalf of
their absentee landowner. Under these circumstances, Paulus ac-
knowledges, as Labeo and Ulpianus had done before him, that the
principal should be held fully liable for the contracts negotiated by
his *vilicus* within the scope of his appointment.\(^ {175}\)

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173 Varro, Rast. 1.2.14: “Quocirca principes qui utrique rei praeponuntur
vocabulis quoque sunt diversi, quod unus vocatur vilicus, alter magister pecoris.
Vilicus agri colendi causa constitutus est.” About *magister pecoris*, cf. below.

174 Columella, Rast. 11.1.3: “Vilicicm fundo familiasque praeponi convenit
actatis nec primae nec ultima.”

175 Paulus (29 ad ed.) Dig. 14.3.16: “Si cum vilico alcuicas contractum sit, non
datur in dominum actio, quia vilicus proper fructus percipiendos, non proper
quaestum praeponit. Si tamen vilicum distraebat quoque mercuriu praepositi
habuerit, non erit iniquum exemplo institoriae actionem in me competere;”
and idem, Sent. 2.5.2: “Si quis pecuniae ferencandae agroque colendo, confundet
vendendaque frigibus praepositi est, ex eis nomine quod cum illo contractum est
in soldum fundi dominus obligatur: nec interest, servus an liber sit.” The latter
In their descriptions of the duties of the *vilicus*, the agronomists dwell on the organization of agricultural work. This aspect has been the subject of many learned books and articles on Roman farming and need not be discussed here. Besides, the ancient sources contain numerous incidental allusions to various managerial tasks that the bailiff was supposed to perform:

- keeping track of the yields of all products;
- recording all tasks performed on the estate or outside by any member of the household;
- registering all transactions involving cash, grain, wine, oil, fodder, etc.;
- selling surpluses of oil, wine, grain, wool, hides, and everything that was deemed superfluous—or simply marketable—such as old and sick slaves or animals, worn-out tools, etc.;
- buying farm equipment, slaves, tools, draft animals, seeds, fodder, etc.;

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Cato, *Agr. 2.1.*

Cato, *Agr. 2.2.* "Ad rationem operum (including opera publica) operarumque villicum revoca."

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Cato, *Agr. 2.3.* Record-keeping is attested in *Apul., Apul. 87.7.*

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The sale of surpluses was part of the six-stage agricultural process described by C. Licinius Stolo (one of the characters in Varro’s treatise): preparation of the land; planting; cultivation; harvesting; storing; and marketing (Varro, *Rust. 1.27.4.*). Trade with neighbouring communities (towns, villages, and other villas) included sale of surpluses, such as produce, poles, and reeds, and purchase of necessary items (Varro, *Rust. 1.16.3.*). In addition, some products were made on the farmstead and sold outside. Varro (*Rust. 1.22.1*) lists hampers, baskets, threshing-sledges, fans, and rakes, in addition to articles made of wihes, wood, hemp, flax, rush, palm fibre, and bulrush. Cf. also Chapter Four, about the production of clay artifacts.

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Columella, *Rust. 11.1.23.* "Non urbem, non ulla mundinas nisi vendendae aut emendae rei necessariae causa, frequentaverit." Cf. also *ibid. 1.8.6.* and Chariton of Aphrodisias, *Charmides and Callirhoë* 1.12-14, discussed below, in the general conclusion to this book.

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Cato, *Agr. 2.6.* "Quae satis accipienda sint, satis accipiantur," and *5.3.* "Iniusu domini credit nemini; quod dominus cedit, exigit;" cf. also *Florentins, Geop. 2.4.3-4.* Trimalchio had an *actuarius* read in front of him the "nomina villicorum" registering arrears of rent or debts incurred by bailiffs towards either their master or third contracting parties (Petron., *Sat. 53.10*). The *kalendarium* or register of loans was kept by a "cursus calendario praepositus" who could be the *vilicus* himself (*CIL III 4152 = ILS7119*), a public *vilicus* in charge of the *kalendarium Septimianum* of the colony of Savaria/Pannonia or another agent (*actor, dispensator, praepositus*); cf. G. Ghiberti, *Legatum calendari* (Naples 1984) 71-100. *Sen., Ep. 14.18,* in which a *dominus* turned into a *procurator* "rationes accipiat, forum consuetudinum, kalendarium versat," is no evidence for a "procurator kalendarii," as he supervises the agent in charge of it.

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Cato, *Agr. 2.4-7.* and *5.4.* *operarii, mercenarii, polites* (for no more than a day). Cato also reports (*Agr. 13.1.* and *66.67*) that three watchmen (two freeborn and one slave) and a ladle (caputator) were hired at the time of the pressing; cf. also *Columella, Rust. 3.13.11-13,* and *3.21.10.* Hired laborers performed heavy and dangerous operations (Varro, *Rust. 1.17.2*) and skilled work: artisans (artifices, medici, factores, fabri) were often hired on a yearly basis; *contra P. Oxy. I 3641* (A.D. 544), a contract of work made between a millstone-cutter and Flavius Apion II, consul and landowner at Oxyrhynchus, through his administrator (but *Munich obsctor*), for the duration of the millstone-cutter’s life. The situation was different in villas located far away from urban centers: artisans were kept on the farmstead under the control of the *vilicus* (Varro, *Rust. 1.16.4-5*).

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L. Fozzii, *JRS 80* (1990) 103, citing parallels in nineteenth-century Sicily and in contemporary Andalusia.
and to lease winter pasture. It is true that Cato never says explicitly that the *vicius* should negotiate these contracts himself, which would have contradicted his stand on the question of personal involvement of landowners in the management of their estates. There is no doubt, however, that Cato had *vicii* in mind as the audience of his treatise, as he exceptionally addresses them directly in the chapter immediately preceding the description of various contracts of work. In any case, the distance separating city-dwelling landowners from their scattered estates, the growing involvement of these landowners in other pursuits, and the development of diversified activities in the context of the villa economy, made delegation desirable and even necessary at an early date, certainly by the second century B.C.

Searching for contractors, negotiating the contracts, overseeing their execution, calculating the laborers’ remuneration, the *vicius* must have had little time to take part in the actual farmwork. The reliance on oral arrangements forced him to be present for each transaction wherever it took place. When the size and the complexity of the economic structure of the estate made it necessary, foremen (praefecti, magistri singularum officiorum, epistulai, and monitores) could take care of the technical direction of the farmwork.

If we look at the occupations of *vicii* in the literary sources, we notice that we rarely find them out in the fields, a fact that caused some dismay among the agronomists: Columella obsessively writes that the *vicius* should focus on the organization of the agricultural work, lest he become a *negotiator*. We are not told what business, except farming, brought the *vicius* to town in Plautus’ comedy *Cistula*, but no excuse was given to explain why he was wandering away from his farmstead. His rival would have rather seen him stay in the country. It is true that the needs of the plot may have brought

Plautus’s *vicii* to town more often than usual, but we also see one of them being sent by his master to a distant place in order to buy a pair of plough-broken oxen. Cicero presents Atticus’s bailiff as a moneylender, and his brother’s *vicius* Nicephorus as a building contractor. Suetonius reports that the future emperor Claudius allowed his bailiff to manage a tavern, in which other agricultural workers were employed. Finally, we read in Apuleius’s *Metamorphoses* the atrocious punishment of a *vicius* whose sexual misconduct had lead his pregnant concubine to commit suicide. As a result of this, his angry master had him covered with honey and devoured by ants. He was an innkeeper.

The inscriptions and the jurists record private *vicii* as superintendents of urban houses, as keepers of gardens or suburban estates (horti), and as moneylenders. Private *vicii* also show up at the head of various workshops and mines, as managers of amphitheatres or circus factions, and as collectors of various taxes.

*Potius quod legatum est tibi negotium, id curas atque urbanis rebus te aptanea? / Huc milii venisti sponsam praepetum iam. / Abi rurs, abi dierectus tuam in provinciam." The *vicius* reveals that he has appointed a substitute to take care of his *praefectura* during his absence from the farmstead: "Praefecti ruris rote qui eum tamen" (Cass. 105).

Plaut., *Per.* 259-260. Sagarnioso is not called *vicius*, but it is likely that some experience in agriculture was required in order to carry out a transaction of this type. Besides, Sagarnioso seems to have had a *pecuium*, which makes him a privileged slave. Cf. C. J.-C. Dumont, *Serius. Rome et l’establissement sous la République* (Rome 1987) 462-63.

Cic., *Att.* 11.13.4 (47 B.C.): "Iaueque tum et a tuo salutem summis et alius mutuati sumus cum Quintus queritur per litteras sibi nos nihil dedisse, qui nase ab illo rogati sumus neque ipsa eam pecuniam aspeximus."

Cic., *Qfr.* 3.1.5. Cf. above.

Suet., *Claud.* 35.2: ‘‘... senatorem... relegavit, quod... hic in aedilitate inquilinos praediorum auorum, contra vetitum cocta vendentes, multisset viliciumque interveniendum legallisset...” The bequest of a fundus (or praedio) cum taberna is discussed by Scevola (17 dig.) *Dig.* 32.35.2 and (19 dig.) *Dig.* 32.38.5.

Apul., *Met.* 8.22.

Urban houses: *CIL* VI 9483; *Juv.* 3.195; *Martr.* 12.32.23; *Cod. Theod.* 16.5.56.1 (A.D. 599); *gardens/suburban estates: CIL* VI 623; 9472; 9990; 9990a; 9991; *moneylending: AE* 1980, no. 230.


*mines and metal workshops: CIL* III 13239 and 13240 (Dalmatia); *AE* 1958, no. 64 (Dalmatia, A.D. 228); *AE* 1975, no. 411-414 (Dalmatia, A.D. 201-229).


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185 Cato, *Agr.* 14-16: 20-22; 136; and 144-150.


even one instance of a vilicus navis, probably to be understood as the equivalent of a magister navis (shipmaster). Public and imperial vilici are found in many areas of administration, in charge of gardens, woodlands, granaries, markets, buildings, libraries, baths, mines, workshops, aqueducts, tax collection, and public finances.\footnote{circuit factions: CIL VI 10046. Cf. Chapter Five. tax collection: CIL VI 779; CIL IX 4681 (— ILS 1865); CIL X 3964 (— ILS 1875); CIL X 7347; CIL XI 5032; CIL V 810; 820; 1864; 7264; 7832 (— ILS 1854). 8650; AE 1934, no. 254; AE 1959, no. 251; AE 1973, no. 202; CIL II 1742 (Gades); CIL II 2214 (Corduba); CIL XIII 1130 (Poisitva); AE 1899, nos. 74-77 (Poetovio); CIL III 5121 (— ILS 1857, Pannonia); CIL III 4288 (— ILS 1861, Brigetio/Pannonia); CIL III 751 (— 7434 = ILS 1855, Nicopolis/Moezia); AE 1894, no. 32 (Vratnik); AE 1895, no. 45 (Moesia); CIL III 447 (— ILS 1862, Miletus); AE 1979, no. 610 (Iassos); BCH 10 (1886) 267 (Iassus); CIL III 7135 (Iassus, A.D. 26); CIL VIII 1128 (— ILS 1873, Carthage); AE 1923, no. 22 (Thuburbo Maius); AE 1942-43, no. 63 (Seiti). Cf. Chapter Five. 196 CIL XII 2379 (Between Vienna and Aoste, Gallia Narbonensis). 197 Gardens/suburban estates: CIL VI 8669; woodlands: R. Meiggs, Roman Ostra (Oxford 1973) 343; granaries: CIL VI 4226; 30855; 36786; AE 1937, no. 61; AE 1904, no. 180 (Moguntiacum, Germania); markets: CIL XI 1231 (massilia); imperial houses: CIL VI 8650; 8655; CIL XIV 199; CIL X 6637; and 6638; public buildings: CIL VI 37175 (sapiia); libraries: CIL VI 2347; 4435; 8744; AE 1959, no. 300; CIL XIV 196. Cf. Chapter Five; baths: CIL VI 8676; 8679; AE 1924, no. 105; MAAR 10 (1932) 73. Cf. Chapter Five; mines: CIL III 7837 (Ampelum/Dacia, II/III); AE 1908, no. 233 (Vipasca, Lusitania); lead pipes: AE 1946, no. 136 (v. plombariorum). Cf. Chapter Five; aqueducts: CIL VI 8495; 8496; 33732; 33733. Cf. Chapter Five; tax collection: CIL V 7211; AE 1955, no. 205; AE 1954, no. 194 (Nice); AE 1897, no. 4; AE 1945, no. 123 (St. Maurice, Valais); CIL XIII 7215 (Moguntiacum, Germania); CIL XIII 13239; 13240; AE 1938, no. 154 (Poetovio); AE 1952, no. 192 (Aqua Basianiae? A.D. 206); AE 1958, no. 64 (Dalmatia); AE 1973, no. 411-414 (Dalmatia); AE 1981, no. 24 (Poetovio, A.D. 225); CIL III 1531 (— 7853 = ILS 1860, Marcia and Pons Augusti, Dacia); CIL III 8042 (Celeria on the Danube); CIL III 752 (— 7435 = ILS 1856, Nicopolis/Moesia); CIL III 555 (— 7287 = ILS 1857, Athens); CIL VIII 1213 (Bisica); AE 1925, no. 73 (Cuicul); AE 1926, no. 164 (AE 1954, no. 20, Leptis Magna); AE 1952, no. 62 (Leptis Magna); AE 1950, no. 256 (Lisbon). Cf. Chapter Five; public finances: CIL XIV 235; CIL IX 59; 472; AE 1985, no. 314; CIL XI 6073 (vilicus ab aitamentis): 1751; CIL V 737; 2053; 4505; 5388; CIL III 4152 (Saravis/Pannonia, "Coloniae Sar(aeum) v(icus) kal(endarii) Septimianivim."); R.P. Duncan-Jones, Structure and Scale in the Roman Economy (Cambridge 1990) 182, n. 56, suggests that "Onesium silicus Cuicilatitorum" (BCTH [1917] 346, no. 76, Cuicul/Numidia, not reported in AE) was responsible for running the town's estates, but it seems more likely that municipal auxil were in charge of public finances or buildings, as city land was rarely under direct management.\footnote{This lengthy list demonstrates that vilici were considered managers par excellence. Insofar as they were appointed to the head of a managerial unit, they were fully covered by their principal, whose credit significantly enhanced their reliability as contracting parties and their efficiency as managers. The land or other types of premises of which they were in charge was regarded as adequate security by those who entered into contractual relationship with them. If all types of business managers were called vilici, it explains why insitores are rarely represented in literary and epigraphical sources, in contrast to their importance in the Digest: in view of the social prejudice that the Roman elite affected towards trade and commerce, the word insitior was used as a term of abuse or as a purely legal term. By contrast, vilici were spared the shame because of their connection to the land, a feature that made them more respectable. And they turn up by the hundreds in preserved Latin inscriptions.}}

E. Farm workers and the chain of command

1. The hands (familia rustica)

In the villa economy, the farmwork and other tasks connected with the estate were carried out by workers, free or slave, subordinated to the vilicus and living in the villa or its vicinity. Even though the managerial and business activities in which vilici engaged, as well as the size of some estates, called for a hierarchical organization of the staff and for an increasing division of labor, Regulus’s story shows that a large and specialized rural household was by no means a necessary feature of the vilicus system. The archaeological remains of Roman villas often show structures which have been identified as slave quarters. From them, modern scholars have tried to reconstruct the size and structure of the rural household. Such reconstructions are often problematic, for it is not sure that the inhabitants of these quarters were slaves, and not free inquitini or temporary workers. We do not know either the density of occupation of these cells,\footnote{Real estate was regarded as a valuable security. This is illustrated by the meaning of the term "praebitum", formed on "praebet" = (1) pledge given by a guarantor (Varro, Ling. 3.40; Plaut. Truc. 214; Cato, Obst. 116; CIL II 5946 and 6981.7); and (2) cestae (Cato, Agr. 1; Plautus, Stich. 205). Cf. T. Helen, Organization of Roman Brick Production in the First and Second Centuries A.D. (Helsinki 1975) 38.}
nor can we be sure that they were not also partly used as stables. Such an hypothesis would help solve the problem of the embarras d’esclaves quartered at Settefinestre. 199

a. division of labor
Within the villa, the division of labor was never absolute. Among the various agricultural tasks very few required any specific training that could not be learned on the job. Thus, skilled workers (potters, cattle drivers, wine tasters, etc.) who were underemployed at one time could be put to work in a different area under the supervision of a fellow worker or of a squad leader.

The type of estate described by the Latin agronomists was oriented toward mixed farming: the agricultural production consisted of grain and cash crops (wine, olives, vegetables, and fruits). Cattle raising, apiculture, and woodcutting could play an important role in the economic life of a villa. They should not be underestimated on the ground that the production was not meant for mass export in identifiable containers, but was often consumed on the estate to support the household.

As suggested above, part of the labor force could be employed in the exploitation of other natural resources found on the land attached to the estate, in particular clay, stone, metals, wood, withe, salt, etc. The workers could also be involved in processing and manufacturing goods, milling flour and baking bread, shearing, carding and weaving wool, sewing garments and shoes, repairing tools and carts, and providing lodging, food, fodder, fresh horses, and draft animals to travelers.201 Hunting, fishing, picking, and gathering formed a significant source of supply in subsistence farming.202 Since larger estates also tried to achieve near self-sufficiency while producing for the market, part of the staff had to be distracted from the main production to carry out these activities,203 and one sector of the villa economy must have been organized along the same lines as smaller farms. A few slaves provided the rural household with logistical support under the supervision of the wife of the vilicus. Her functions are described in Book 12 of Columella’s treatise.204

b. magister pecoris
Varro divides the rural household into two sectors: one was formed by the staff occupied in arable farming, wine growing, and/or olive cultivation under the supervision of the vilicus; the other was composed of the pastores who looked after the livestock under the leadership of a chief herdsman (magister pecoris).205 Accordingly, the ma-

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199 N. Purcell, JRS 78 (1988) 197 (= review of Carandini et al. [1985]). Sometimes, the finds of implements contribute to our understanding of how the various parts of a villa were used; cf. M. Rostockzelt. SEHRE (1957) 64 and fig. X,2, featuring iron stock found in the villa of Gragnano near Pompeii and used to restrain slaves.

200 An imperial vilicus saltuarius, recorded in an inscription from Ostia, was in charge of an estate where the exploitation of woodland constituted the main activity, cf. R. Meiggs, Roman Ostia (Oxford 1973) 343 and idem, Trees and Timber in the Ancient Mediterranean World (Oxford 1982) 330. Meiggs suggests that these saltuarii were employed on the imperial Lauretine estate. Inscriptions set up by saltuarii are not rare, which possibly indicates that they held a privileged position among other workers in the rural household; cf. especially CIL IX 3386 (= ILS 5542, Capestrano in the Ager Vestiinorum) where an ingenius and a libertinus dedicated a portico erected "ex pec(uni)a saltuari(orum)", which reveals the existence of economic means and perhaps of a social organization (collegium saltuariorum). Like vilici, saltuarii commonly made dedications to the god Silvanus; cf. CIL V 2303; CIL IX 3421; CIL X 3522; AE 1938, no. 168; and G. Ramillii, “Un saltuarius in una epigrafe dell’agro Bresciano,” Suppl. ai Comment. dell’Ateneo di Brescia (1975) 77-88.

201 Varro, according to a later compiler, advised his reader to keep potters in the villa, for clay was available almost everywhere (Gnomonia 2.49). The same author (Rust. 1.2.22-23) reports that the Saeurnius regarded the management of clay pits (figitinae), mines (argentiolumina + ala metalla), and quarries (lapisgigion instead of the use of slaves, which is mentioned by Cato the Elder and Varro.)


203 Varro, Rust. 3.3.4. Fowlers, hunters, and fishermen were in charge of supplying certain products that would otherwise have to be purchased from outside. But Varro is talking here of luxury goods deemed indispensable only by a small fringe of the population.

204 Varro, Rust. 3.1.4. The evidence for magister pecoris is rather scarce: Cic., 2Ver. 3.7.16-17; Varro, Rust. 2.3.9; 2.5.18; 2.10.10; Columella, Rust. 7.3.16. A recently published inscription from Sicily records a nauticen slave, named Abala, who died at a very old age, since he reportedly held for 80 years—an obvious exaggeration—the functions of “magister magnus ovium” of Domitan’s wife, Domitiana Domitiana, landowner in the Abruzzi, at Baiae, in Sicily, and in Phrygia, and owner of important figitinae; cf. G. Salmeri, “Un magister ovium di Domiziana Longina in Sicilia,” ASNP 14 (1984) 13-23 (= AE 1985, no. 183, Ramacca, near Morgantina, first part of second century A.D.); and J. Carlsen, “Magister Pecoris. The Nomenclature and Qualifications of the Chief Herdsman in Roman Pasturage,” ARID 20 (1991) 57-64. It is possible that the imperial vilicus saltuarius mentioned
gister pecoris kept separate accounts and was required to be literate, a pious wish expressed by Varro, but unlikely to be always fulfilled.\textsuperscript{206} The scale of the herd would be determinant in setting the level of skills (accounting, veterinary knowledge) required of the staff. A division of the household between cultivation and animal breeding was due to the practice of transhumance or to the distance separating pastures (hills) from the farmstead (valleys, coastal areas). Further, as large herds were vulnerable to epidemics, it made sense to divide them into smaller bands.\textsuperscript{207} It does not necessarily follow that each of these smaller bands formed a separate managerial unit. The ratio of herdsmen to heads must have varied according to the owner.\textsuperscript{208}

The magister pecoris was probably a type of institor, since he is described as praepositus by C. Licinius Stolo.\textsuperscript{209} As pasture land was often located in the hills, it was natural for the magister pecoris to spend part of the year away from the farmstead.\textsuperscript{210} Consequently, his credit and the limits of his contractual capacity were more difficult to check. Thus, it is possible that already at an early date chief herdsmen held as peculium part of the capital entrusted to them. This peculium, which strengthened their credit in transactions with third contracting parties, contained a few heads and some assistant herdsmen (vicarii or servi peculare). A text by Varro seems to support this interpretation, as it is considered relevant to specify that, in case of purchase of a slave herdman, the peculium follows the slave, unless a different agreement has been explicitly reached between buyer and seller.\textsuperscript{211} When the magister pecoris was a freedman or a freeborn, he had a full legal capacity on his own, but his transactions still made his employer fully liable. A law of Julius Caesar requiring that one third of all herdsmen be freeborn adults could be used as evidence for an early extension of the application of the actio institoria to cases involving extraneous agents. However, actual instances of non-slave herdsmen are rare.\textsuperscript{212}

One can wonder under which circumstances the magister pecoris would be expected to negotiate contracts in the context of his professional activity? The tending of livestock consists mainly in providing the herd with fodder and water (input), and in processing and marketing its produce, i.e. offspring, meat, milk and its derivatives, and hides (output). The availability of the input and the quantity of the output were determined by factors beyond the control of herdsmen, such as the weather, market conditions, and the fecundity and productivity of the herds. These factors could be affected by storms, ghts or shortages, epidemics, and other acts of God. In modern times, Swiss peasants in mountain regions respond to such variables by adjusting periodically, sometimes seasonally, the size and the nature of their livestock. The breeding of bull-calves and heifers for their meat is sometimes more profitable than milk-producing cows, and vice versa. Temporary surpluses of fodder or pasture permit to host a few heads of cattle belonging to a neighbor. Such arrangements give rise to numerous, sometimes complicated business transactions which cattle raisers are required to negotiate.\textsuperscript{213} In Roman Italy, the magister pecoris could be expected to negotiate passage rights during the period of transhumance, to lease pasture land from or to other people, to purchase, sell, and barter livestock, and to buy, sell, hire, or rent out herdsmen. It should be noted that the transfer of ownership of large animals and slaves required a formal conveyance (mancipatio) in order to validate the transaction. Slave magistri pecoris were legally not qualified to do so, and this is perhaps the reason why Varro, through his character Gossinius, recommends that a double guarantee be provided by the buyer of a slave herdman when the transfer is not done by mancipatio.\textsuperscript{214}


\textsuperscript{207} Varro, Rust. 2.1.24: 2.2.20 (reporting practices common among sheep breeders in Epirus, although “nulli enim hunes moduli naturales”); 2.3.9-10 (about a practice adopted by goat breeders in Cisalpine Gaul); 2.4.22 (pigs); and 2.5.18 (cows). Cf. V. I. Kuzinšin (1984) [1976] 19-20.

\textsuperscript{208} Varro, Rust. 2.10.10-11.

\textsuperscript{209} Varro, Rust. 1.1.14: “Principes qui utrique rei (= pastioni aut agri culturae) praepositor vocabulis quaque sunt diversi, quad unus vocatur ilicus, alter magister pecoris.” Cf. above.

\textsuperscript{210} Varro, Rust. 2.10.2 and 6.

\textsuperscript{211} Varro, Rust. 2.10.5.

\textsuperscript{212} Varro, Rust. 2.10.5, after listing six methods for the acquisition of ownership.

\textsuperscript{213} Varro, Rust. 2.10.5.
c. squads and squad leaders

The structure of a rural household has been rightly compared to a military unit.\textsuperscript{215} When the size and the economic structure of the estate required a numerous work force, the hands (\textit{servi rustici}, \textit{solutis} or \textit{vinci}) were organized in squads of six to ten men (\textit{classes}, \textit{daveniae}) commanded by foremen (\textit{monitores}, \textit{magistri}, \textit{praefecti}).\textsuperscript{216} The third-century A.D. agricultural writer Florentinus specifies that gangs should include "ten or six laborers," but not fewer, because it would require too many foremen (\textit{d-sexo}, \textit{epistatoyno}) to organize and supervise their work. It is necessary that all gangs be composed of the same number of laborers, so that the work progressed at the same pace, the most vigorous slaves imposing their rhythm on the laziest ones.\textsuperscript{217} An obvious advantage of the division of the work force into small units was that it stimulated competition between squads within the rural household. This point will be discussed further in the section dealing with the organization of mints.\textsuperscript{218}

The foremen were subordinated to the \textit{vilicen} and selected among the older, better, and more educated slaves. They were offered various economic and social privileges.\textsuperscript{219} For instance, they received a \textit{peculium} and a mate as an incentive to be honest, fair, and efficient. Thus, Varro advises landowners to consult and treat them with respect, and recommends that they be given a food and clothing allowance, exemption from work, and permission to graze some cattle on their own as part of their \textit{peculium}.\textsuperscript{220}

d. \textit{mediastini} and skilled workers

In addition to unskilled workers (\textit{mediastini}), the rural household included a limited number of specialists, probably of higher status and

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\textsuperscript{216} Columella, \textit{Rust.} 1.9.7: "Quod est numeri modus in opere commodissimae custodiretur, nec praecunctus monitoris diligentiam multitudine confuderet."

\textsuperscript{217} \textit{Geoponica} 2.45.

\textsuperscript{218} Cf. Chapter Five.

\textsuperscript{219} Varro, \textit{Rust.} 1.17.4: "Quo praestin esse oportere, qui litteris atque aliqua sint humanitate imbati, frugi, actae maiore quam operarios, quos dixi. Facilius enim quam qui minore naus sunt dicto audientes."

\textsuperscript{220} Varro, \textit{Rust.} 1.17.5-7.

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\textsuperscript{221} Varro, \textit{Rust.} 1.16.4-5: "... quan parrem lari fundi divisae domesticae copiae mandare solent."

(bubulus), one muleteer (asinarius), one swineherd (subulus), and one shepherd (epilo), a total of 13 persons. The staff of a vineyard of 100 iugera should comprise one viticus, one housekeeper, ten laborers, one teamster, one muleteer, one willow worker (salictarius), and one swineherd, a total of 16 persons. Varro's and Columella's descriptions of the size and composition of the rural household are based on Cato's and the Saeurnas' treatises.224

The Augustan jurist Alfenus Varus provides a detailed description of the composition of what he considers a typical familia rustica. In a discussion of a provision of the censorial rule governing the payment of customs dues (portorium) in the harbor of Sicily, whereby dues should not be collected on slaves brought home for the personal use of the owner, Alfenus wonders whether or not the law applies to the case of a familia rustica. Incidentally, he lists as members of a rural household bookkeepers, superintendents of apartments—building, bailiffs, butlers, weavers, and field-workers.225 The presence of dispensatores (cf. below) and insularii in the list leads me to surmise that the type of fundus that Alfenus Varus had in mind is probably a suburban estate, whose owner belonged to the elite and could afford to keep a large household.226 Labeo and Pegasus, in their discussion on the composition of the farm equipment (instrumentum), also review the staff of a rural household. They list foresters (saltuarii), bakers (pistorii), barbers (tionsores), masons (fabri), female cooks and housemaids, millers (molitores), kitchen maids (focarici), housekeepers (viticæ), woolmakers (lanificæ), and fuller (fullones). Ulpius adds comptrollers (cellararii), doormen (ostiarii), muleteers (muliones), hunters (venatores), and game tracers (vestigatores).227

224 Varro, Rust. 1.17-18 and passim; Columella, Rust. passim, esp. in Books I and II.

225 Alfenus Varus (? Dig.) Dig. 50.16.203: "In leges censoria portus Siciliae ita scriptum erat: 'servos, quos domini quis ducit suo usu, pro is portorium ne dat.' Querebatur, si quis a Sicilia servos Romam mittet fundi insediendi causa, utrum pro his hominibus portorium dare debet nec ne... Utrum dispensatores, insularii, vitici, atieores, testores, operarii quique rustici, qui agrorum colendum causam habentur, ex quibus agris pater familias fructus caperet, quibus se toleraret, omnes desineque servos, quos quisque emisset, ut ipsae habetque atque eis ad aliquam rem uteretur, neque ideo emisset, ut vendetur?"


227 Ulpius (20 ad Sub.) Dig. 33.7.12.4-6, citing Labeo, Neratius, and Trebatius; and Dig. 33.7.12.9 and 12. K.D. White (1978) 355-56 and 377-83 provides a complete list of persons employed on agricultural estates, with a definition of their respective functions based on mostly literary and legal evidence. Cf. also R.J. Buck, Agriculture and Agricultural Practices in Roman Law (Wiesbaden 1983).

228 Ulpius (20 ad Sub.), citing Papinianus, Dig. 33.7.12.38: "Idem respondit praedictis iurisprudentiis actum ex his in provinciam missum, ut ordinatis negotios ad pristinum actum rediret, legato praefectum cedere, quamvis non uidisse redderit." Cf. below.

229 Petron., Sat. 30.1. A. Watson, Contract of Mandate in Roman Law (Oxford 1961) states that a procurator—in contrast with a magistrate—was subject to giving an account of his administration to his principal. It is remarkable, however, that in medieval England, stewards (somechals), who by the thirteenth century were commonly highly literate, never kept accounts themselves, but assisted auditors in checking the accounts presented by their subordinates—bailiffs or reeves—against the "extent" or survey drawn up at the beginning of their tenure; cf. C. N. Nave, "Accounting for Bailiffship in Thirteenth-Century England," Accounting and Business Research 42 (1981) 137-51.

Papinianus also includes the actor, even though, as an agent, he was likely to be absent on a mission at some distance from the farm.
gage the liability of their employers. It is important to note that not all procuratores were involved in the administration of agricultural estates.

The procurator was already a familiar character in the time of Plautus, but is absent from Cato’s treatise. An ambiguous reference in the Agrarian Law of 111 B.C. presents the representative of some potential land purchaser in Africa as procurator. Later on, Cicero provides a narrow definition of procurator as the person who “administers all the property of a citizen absent from Italy or busy serving the state, behaving almost as if he were the owner, and acting as the legal representative of someone else.” Neither of these conditions seems to have been fulfilled by one M. Tullius who owned an estate composed of several villas in the territory of Thurium in the 70’s B.C. Yet, Cicero reports that his client had written instructions to his procurator and to his vilicus in charge of his estate on the occasion of a land dispute which ended up in bloodshed. Cicero himself had his Cuman estate managed by vilici and procuratores, but it is not clear whether he refers to the same type of general agent well attested in a later period, or to some type of overseer subordinated to the vilicus. In the same sense, Varro’s only reference to a procurator is non-technical, and shows no connection with the general administration of agricultural estates.

By the time of Columella, however, the procurator had become a necessary feature of the hierarchical structure of the villa economy; landowners were instructed by the agronomists to let him stay in private quarters located above the entrance—and above the room of the vilicus—so that he could control the comings and goings of the familia, and watch over the cabinet where iron tools were stored. Both efficiency and security were enhanced by this arrangement, and there are reasons to believe that Columella’s advice was followed: in a villa located in the vicinity of Boscoreale and destroyed in A.D. 79, the seal of Thallus, the procurator of one Asellius, was found in one of the entrance rooms.

Only freeborn or manumitted procuratores are recorded in the sources, and this is consistent with the provision of the Aelian Sentian Law, whereby a slave could by exception be manumitted before the age of 30 if the purpose of the manumission was to appoint him as a procurator. Cicero was aware of the difference of status between procurator and vilicus, as he has one of his characters, the orator M. Antonius, correctly state that the instructions given to a procurator were the object of a mandatum, whereas a vilicus received orders.

Landowners could entrust the general administration of their affairs either to one or to several persons. Thus, stewards were either procuratores omnium rerum or procuratores unius rei. Procuratores could be assigned a geographical area or a specific type of activity (agriculture, customs dues, libraries, baths, etc.). As landed properties tended to spread over wider and wider geographical areas, landown-
ers became increasingly dependent on a host of procuratores assisted by a managerial staff composed of actores (for rural properties) or dispensatores (for urban properties). 241

b. actores
Actores (προκαταστήματα) are not attested in the sources before the first century A.D. and are still quite common in the fourth and fifth centuries. 242 Even though actores are very well represented in epigraphical and legal sources, it is not always clear to what extent their functions differed from that of procuratores, dispensatores, and vilici. In several cases actores are found in an agricultural context, although in most cases the evidence does not provide any information about the nature of their occupation. Since non-agricultural actores would be more likely to record the field in which they worked as a sign of social privilege, many of those inscriptions recording actores without field specification should be regarded as referring to agricultural agents. We do not know to what percentage of actores this hypothesis applies. 243 Those who were not employed in agriculture were attached

241 Pompomius (6 ed. ad. S. D.) Dig. 34. 2. 1 pr.; "... detractis... et ci adscriptis, cui speciebile legata sunt, reliquum alteri debitum... Idem urbanus servis tibi legatis, si mihi dissipator egives tibi." G. Bloch, Datu. Sog. (1892) 280-86, s.v. dissipator; cf. below. This rule is not absolute, for instance Pompomius (6 ad. S. D.) Dig. 30. 16. 166 pr.; "Urbana familia et rusticis non loco, sed genere distinguuntur: posset enim aliquis dissipator non esse servorum urbanorum numero; veluti, qui rusticarum rerum rationes dispensat illicum habere experimentationem, Paulus (sang de instr. signif.) Dig. 32. 99; and Iucce. It. 1. 592a and b (AE 1506, no. 100). The epigraphical material provides a better basis for a definition, and it shows that dispensatores were clerical employees attached to various areas of administration while actores rarely bear any qualifying label and were attached to a person rather than to a specific department. Prof. J.P. Bodel pointed out to me that a similar distinction is attested for personal attendants of magistrates (actores as opposed to appellatores), cf. N. Purcell, "The Appellatores: A Study in Social Mobility," PBSR 51 (1903) 125-73, esp. 127 and 140.

242 I know of no Republican actore either in inscriptions—where are in any case rarely datable—or in legal or literary sources, whereas Republican vilici, dispensatores, and procuratores are common, at least in the last two categories of sources. For late antiquity, cf. AE 1912, no. 256 (Fonoll, A. D. 357); CIL XII 2997 (Ager Viterbiensis, IV); CIL XIV 23617 (= AE 1970, no. 880, Fornos Minus, Afr. Proc., IV); Cod. Inst. 3. 36. 9 (A. D. 365); Cod. Theod. 2. 30. 1; 2. 31. 1; and 2. 32. 1 (all in 422); Cod. Inst. 11. 72 (A. D. 426); Symmachus, Ep. 5. 87; 9. 6; 9. 15; 9. 52; and 9. 130; August., Ep. 24* and 247; Ep. ad Salum 4 (Maktar, Afr. Proc., early V); cf. C. Lepelley, Ann. Afr. 25 (1890) 240-51. The African material is discussed by J. Carlsen, "Estate Management in Roman North Africa. Transformation or Continuity?" in A. Mastino (ed.), L'Africa romana VIII (Sassari 1991) 632-36.

243 The same could be assumed for vilici. For actores attached to an estate, cf.

CIL V 5005 (Tridentum, early III "actor praediorum Tubinonum"); AE 1982, no. 401 (Tridentum, "practicus et urbius agrum""); CIL VI 721 = 30820 ("actor praediorum Romaniorum"); CIL VI 8683 (imperial "actor praediorum Lucullanorum"); CIL X 6329 ("actor et agricolae"); CIL XII 2250 (Gratianopolis/Narb., "actor huius loci"); CIL XIII 2243 (Ludulum, "actor prae-di[iorum] horum"); CIL XIII 2333 (Ambarri, near Lugi, "actor fundi Ammattici b[ornorum] F[i]avi Stratiotis"); CIL VIII 19328 (Numidia, "in his praedios"); AE 1906, no. 11 (Hencich/Ar. Proc.,); AE 1906, no. 30 (Epheus, IV A.D., "restituendi et ministrandi idem redditus (fundi) ab acto[ribus] prid[ebat]e (st) rei nostrae"); Scaevola (3 resp.) Dig. 33. 7. 20. 3 ("praedia ut instruata sunt cum dobitus et reliquis colomorum et villicorum et magnolici et pecore omni legavit et peculi et cum actore"); actum married to a vilicia: CIL III 5616 (Noricum). Three inscriptions refer to actores attached to an urban ("hous"); cf. CIL VI 9124 ("actor domo Verone"); AE 1964, no. 87 ("domus (f) [minor] actore"; or "domus (f) [minor] actore"); CIL XI 1730 ("actor x (consularis) domus"); Cod. Inst. 2. 12. (13) 16 (A.D. 293).

244 Cf. Chapter Five; CIL X 1913 (Putcelli, "actor (or) ferrulatorium"); AE 1967, no. 388 = AE 1957, no. 273 (Dacia, "actor conductors pascui et salinarium"); AE 1957, no. 141 (Pannonia, "actor conductors salinarium"); CIL II 5181 = ILS 6891 = FIRA 13, no. 105 (Let metalli Vitaeolum/Lusum, II, "conductor socius actore" for various concessions, such as collecting taxes on sales, auctioneering, managing baths, shoemaking, bartering, fulling, quarrying and digging).

245 Cf. Chapter Five; CIL VI 8591 (imperial freedman "actor XXX Gal."); CIL X 7225 (Lilybaeum, "actor (or) porti[rii] Lilybae(i)""); CIL VI 38003 ("actor vis(esmea) hereditatii"); P. Res. Georg. II 26 (A.D. 160, XX litterarum); AE 1930, no. 87 (Epheus, vicinum libertatis); AE 1947, no. 190 (Falmyra, A.D. 174; s. mancipius quattuor mercatuum or -am adiectum); AE 1947, no. 291 (Fersela, II, "actor""); CIL XI 4427 (Ameria, "actor Imp. Commodi Aug. N."); CIL VI 8688 (imperial freedman "actor ad Castor et ad loricatum (m) ad auctoritate""); C. G. Boulanger, Escalier et affranchis impériaux sous le Haut-Empire romain. Rôle politique et administratif (Naples 1970) 69-70, no. 381; CIL VI 3782 = 31046 ("actores de foro suarto"); who may not have been imperial servants; CIL VI 8673 (imperial freedman "ex actore (or) exactor (or)"); CIL VI 8850 (imperial "actor a frumento"); Suet., Dom. 11. 11 ("actor summiarum"); Cod. Inst. 3. 36. 9 (365); and 8167. 11. 1 (426).

246 For agents of joint owners who were members of the same family, cf. CIL VI 9112; CIL VI 9115; CIL XI 9152 (Perusa); CIL X 1927 (Ager Viterbiensis, IV).

247 M. Wlassak-P. Habel, PW 1 (1895) cols. 326-30, s.v. actore, E. de Ruggiero, Disc. Epigr. 1 (1995) s.v. actore, 68-70, and G.N. Olofsson, Thesaurus Linguae Latinae Epigraphicae I (Rome 1904) 64-65, s.v. actore. religious associations: Gaius (3 ad ed. procr.) Dig. 3. 4. 1. 1; Ulpian (5 ed. procr.) Dig. 2. 4. 10. 4; and ideum (39 ed. procr.) Dig. 37. 15. 5. 4; temples: CIL XI 2686; and CIL VIII 13894; social security (alimenta): CIL IX 5895.
may have played above all a judicial role (= defensores, syndici, etc.) and therefore should not be considered as business managers.

In the second century A.D., actores are often attested in the capacity of business agents involved in seaborne trade. They were active either in seaports (like the Peiraeus), or aboard a ship. One Myron was the agent of Claudia Bassa and traveled as far as Germany. One Bosicionar was sailed around the ports of the North Sea. Finally, one Aurelius Statianus dedicated an inscription to Deus Astrum in Novae (Lower Moesia) to express his gratefulness after escaping some unspecified danger in connection with the sea. 249

Actores were appointed (praepositi) for the purpose of carrying out specific tasks, and therefore should be counted among insitores. 250 On occasion, our sources show them dealing with financial matters, in particular collecting payments, handling cash, and keeping accounts. They were assisted in this task by adiutores belonging to their peculium (vicarii). 251 Actores collected rents from conductores, coloni, and perhaps vilici, and lent them money (promontum), for instance in the form of uncollected arrears. 252 The cash flowing in could be reinvested or used to make payments on behalf of the principal. Payments made to and by a slave actus were valid and extinguished the principal’s credit/debt. 253 In his capacity of accountant, the actus was in charge of the calendarius, a book in which he registered revenues (rents, payments of either interest or capital) and expenses (payments, loans, and arrears). 254 The principal was supposed to sign it periodically after checking it. 255 Sceavola discusses the case of an actus manumitted by will (testamento) with the condition that he first submit the accounts of his activity (actus). 256

Actores were handling large sums in cash, and are sometimes depicted as cashiers. After accepting the job of protecting a corpse overnight against preying Thessalian witches, Lucius, the hero of Apuleius’ Metamorphoses, expected to receive the promised award of 1,000 esteret from the actus Philadephos, acting on the order of his mistress, the unfortunate widow. 257 Domitius Zosimus, a freedman of Domitius Terentianus, who bore the title of “actus” in ratione


250 Paulus (71 ad ed.) Dig. 44.5.3: “Actores, qui exingendis pecunias praepositum est, etiam posteriori dominio nocet”; Sceavola (24 dig.) Dig. 40.7.40.4: “Item quero, ea, qua est unum per adiutores eius (actus) neque calendarius illi sunt aut fraudulentia acta, haec adscribi possint, cum esset eis praepositum”; Gauss (s.n. ad form. hyp.) Dig. 20.6.7.1 is probably interpolated, cf. A. Burdese, Autorizzazione ad alienare in diritto roman (Turin 1950) 26.

251 CIL V, Suppl. 259 (Aquileia, Regum X).

252 Sceavola (24 dig.) Dig. 40.7.40.5; Papinius (7 resp.) Dig. 32.91 pr.; Paulus (2 decret.) Dig. 32.97. The title of actus is sometimes omitted in the sources; cf. Ulpius (41 ad Sb.) Dig. 46.3.18: “Si quis servum pecunia exingidis praeposito solvisset...” and Paulus (1 decret.) Dig. 41.5.8: “Titianus Praspe praeceptor servum mutuis pecuniis dandis et pigmentos accipiens...”

253 Marcianus (s.n. ad hyp. form.) Dig. 46.3.49: “tutori quoque si soluta sit pecunia vel curatori vel procuratori vel eum et suorum successori vel servos actus, proficisci ei solutum”; Paulus (71 ad ed.) Dig. 44.4.5.3; Papinius (8 qv.) Dig. 46.3.94.3 (as long as the payment was made out to a creditor of the dominus); cf. A. Burdese (1950) 26-28, who thinks that actores were not entitled to transfer property until a late date; cf. Cod. Inst. 2.12.16 (293): “Procurorem vel actorem praedii, si non specialiter distrabendis mandaturn accepti, ius rerum dominii vendendi non habere certum ac manifestum est. Unde si non ex voluntate domini vendendus his fundum compararetur, pervides imporborum tuo desiderium esse dominum ex hismodi empiore tibi concedi desiderantem.” The prohibition, however, concerns specifically the sale of the estate which provides the basis of the praeposito, and it is likely that actores could sell the produce of the estate and even parts of the equipment without specific instructions before that date.

254 C. Gibberis (194). It is not clear whether actus and ulpanus performed the same functions. Ulpius (20 ad Sb.) Dig. 33.7.12.9 describes the latter as “praeposito ut rationes salve sine.” He might have been a controller. Cf. CIL VI 33747 (line 4); and Piant., Capt. 895.

255 Iulianus (39 dig.) Dig. 34.3.12.

256 Sceavola (24 dig.) Dig. 40.7.40.3-7. Cf. also Ulpius (19 ad ed.), quoting Pomponius, Dig. 10.2.8 pr. (in case of division of an estate after the owner’s death, the bequeathed actus is not to be handed over to the legatee before he has presented his accounts described as “authenticae rationes”).

257 Apul., Met. 2.26.3.
bus)," probably paid with his master’s money for the restoration of a monument that he supervised. In the capacity of administrators, bookkeepers and treasurers, actores had plenty of opportunity to cheat their master, and it is no coincidence that a Roman jurist used the case of an actor altering his master’s accounts to illustrate his point about corrupted slaves. Good faith on the part of the manager was always expected and sometimes acknowledged. Conversely, drastic punishment was meted out to those who succumbed to the temptation: according to Suetonius, Domitian caught his actor summarum red-handed and had him crucified.

Actores were instrumental in the good management of estates. In the early third century, the emperors Septimius Severus and Caracalla enacted that the sale or manumission by imperial procurators of actores attached to estates that had passed into imperial property would be void. This rule was a tacit acknowledgement that an estate was worth what its manager was able and willing to get from it. If actores were not there to collect the rents paid by imperial tenants, the revenues of the imperial treasury dwindled.

The difference between actor and vilicus is not always clearly established. Columella alludes to the risks of collusion between actor and the familia aimed at cheating the master. Since the purpose of Columella’s passage is the description of the functions of the vilicus, it seems that in that particular case actor equals vilicus. Elsewhere, Columella speaks about the female companion to be assigned to the vilicus in order to keep him at home and to assist him in his task. The next sentence refers to Columella’s wish—a tenor among agronomists—that the vilicus would refrain from engaging in non-agricultural activities. The expression idem actor is used for the sake of stylistic variation and undoubtedly refers to the vilicus. The term actor is also used in a non-technical way in another passage, where Columella points out that it is to the owner’s advantage to have the vilicus sew clothes for privileged slaves. This group includes the vilicus and the foremen.

By contrast, Scaevola discusses the case of a debtor whose estates were mortgaged and who entrusted his actor with a plot of land. It is uncertain whether the vilicus Stichus mentioned in the same passage is the same slave as the actor, in which case he would be an "acting vilicus." Elsewhere, the same author clearly makes a distinction between vilicus and actor, while specifying that both were part of the instrumentum: the vilicus should be in charge of the res rusticae and the actor of the rations fundi. Scaevola’s view about the chain of command in agricultural enterprises is best illustrated by a text in which the jurist discusses the concept of farm equipment: "So-and-so bequeathed his estates with what constituted then its equipment, i.e. dowries, arrears of tenants and bailiffs, slaves and all the livestock, together with the peculia and the actor." In all these passages, actor and vilicus are clearly distinguished. The coexistence on the same estate of an actor and a vilicus is attested in one inscription from Altünster (Noricum). The vilicus Lupus set up a monument to commemorate his father-in-law, the actor Probinus, who died at age 40, and in memory of his wife Ursa (Probinus’s daughter). In conclusion, the combination of legal and epigraphical evidence tends to suggest that Columella’s usage of the term "actor," usually cited to

258 Ulpianus (23 ed. ed.) Dig. 11.3.5.1: "vel si actores suasit verbis sine preterio, ut rationes dominicas intercederet adulteraret vel etiam ut rationem sibi commissam turberet."
259 CIL V 1035 (Aquileia) recording an "actor bonae fidei."
260 Suet., Dom. 11.1. Compare with Pr.-Quint., Decl. min. 335, the subject of which is "dispensatores torii."
261 Marcius (3 m. reg.) Dig. 49.14.30; Moestinus (5 reg.) Dig. 49.14.8; Hermogenianus (6 reg. ep. Dig. Dig. 49.14.46.7.
262 K.D. White (1970) 379 suggests that an actor was "(a) general agent acting on behalf of the owner; (b) spec. (i) = vilicus, steward, bailiff; (ii) manager, distinct from the vilicus (esp. in legal texts), where the term supersedes that of vilicus in many passages;" A.-N. Sherwin-White, The Letters of Pliny (Oxford 1966) 254, on Ep. 3.19.2, notes that: "the term actor is used for any type of agricultural manager, including even vilicus."
263 Columella, Rust. 1.7.7.
264 Columella, Rust. 1.8.5: "cidentique actori prapciipendum est, ne convictum cum domestico muliloque minus cum extero habeat."
265 Columella, Rust. 12.3.6: "actoribus et aliis in honore servulis."
266 Scaevola (3 reg.) Dig. 20.1.32.
267 Scaevola (14 dig. Dig. 34.4.31 pr., where both functions are exceptionally carried out by the same slave. A. Burdess (1950) 31 thinks that in both passages actor and vilicus are one and the same person. Several texts indicate that the actor was part of the instrumentum: cf. also Ulpianus (20 ad Soc.), quoting Papinianus, Dig. 33.7.12.38; Scaevola (3 reg.) Dig. 33.7.20.4; and Paulin., Sent. 3.6.48 (probably interpolated, cf. A. Steinwetter (1942) 28).
268 Scaevola (3 reg.) Dig. 33.7.20.3: "praedica ut instructa sunt cum dobitibus et reliquis colonorum et vilicorum et mancipios et pecore omnii legavit et peculis et cum actores."
269 CIL III 5622.
show that *actor* and *vilicus* filled the same position in farm management, is not technical.

Whereas *vilici* were usually appointed to a single managerial unit, *actores* could be in charge of the financial administration of several units. Consequently, *actores* may not have been so closely tied to the land as *vilici*. In addition, *actores* appeared in a later period than *vilici*: they have taken over some of the functions originally carried out by them. If the first occurrences of *actores* followed shortly the creation of the position, it is to be dated probably in the first century A.D. and may reflect a new stage in the history of Roman farming, characterized by an increased division of labor imposed by the scattering of properties and by the appearance of large estates (*latifundia*). The appearance of the *actor* as a type of *insititor* may also correspond to a significant change in the law governing indirect agency. Since the Republican period, third contracting parties had an actio insititoria to sue the principal of the agent with whom they had made a contract. This legal remedy may originally have been available only when the agent was established as manager of some real estate (*fundus*) or building (*taberna, officina*). This condition may have been strictly enforced in the early history of the actio insititoria, and tended to be overlooked in a later period, a sign that the system worked smoothly. As a result, the trustworthiness of the agent depended less and less on the security provided by the real estate value and equipment of the premises where the economic activity took place. This development bears witness to the practicality and adjustability of praetorian law: over the years, the actio insititoria had proved suitable to protect the interest of all parties, and therefore was made available in less closely defined types of situations.

The position of *actor* ranked fairly high on the list of privileged positions open to slaves. Career patterns were not strictly established. The sources record the case of an *actor* who had been formerly a *vilicus* or a dispensator, of a dispensator who had been formerly an *actor*, and of dispensatores who had been promoted from the position of *vilicus*. These cases show, however, that *actores* and dispensatores ranked above *vilici*. An interesting case is that of the slave Sagaris, who shows up in two inscriptions from Venusia (Regio II), once as oikiovómos and once as *actor*. The relative chronology of the two depends on the meaning of oikiovómos; if it is the equivalent of *vilicus*, then the Greek inscription is certainly earlier than the Latin one; otherwise, the relative chronology remains uncertain. Finally, an unique case of social promotion and personal loyalty was brought to us by the chance recovery of two inscriptions pertaining to the same person: one Salvianus is first attested as *vilicus portorii Ilyniaci* at Celeiu (Dacia) under Commodus, and later as dispensator rationis extraordinariae provinciae Asiae at Ephesus. In both positions, he was subordinated to the same procurator. These two examples demonstrate that promoted *vilici* could follow two different career tracks, becoming either *actores* or dispensatores.

Most *actores*, like most *vilici*, were male slaves. Only one woman is recorded in this position. Examples of freedmen and even freeborn *actores* are rare, but not abnormal. This is not to say that

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274 Cases of promotion from one function to another are not frequent; cf. *AE* 1972, no. 759 (Setti, "actor qui vil(navit?)"); *AE* 1942-1943, no. 61 (Setti, "actor ex disp(esatore)""); *CIL* IX 4186 (Ammanitum/Regio IV, "dispensator ex actore"); cf. also *NT*, *Math* 24.45-47, where the faithful slave is at first in charge of the household (*hπi της οἰκίας*) and is later entrusted with all his master’s properties (*brn ἐκείνου τοῦ οἰκονόμου αὐτοῦ*), possibly a promotion from *vilicus* to procurator. More problematic are the inscriptions mentioning *actores* (*CIL* VI 8673; 8683; and 8897a). Do they refer to retired *actores* (*ex actor*) or to a different function, such as tax collector? Cf. E. de Ruggiero, *Diz. Epigr.* 2 (1912) 217-27, s.v. *actor*. P. Habel, *PW* 1 (1893) col. 390 argues that in many cases *actor* and *exactor* refer to the same position (with reference to *CIL* III 349; *CIL* VI 42 [Chapter Five]; *CIL* VI 8434; 8697a; and 9361-9385; *CIL* IX 4186; *CIL* X 5792, and 3907; and *CIL* XII 3070).

275 TGR R 464; and *CIL* IX 425 (= *ILS* 3197). Cf. Chapter One.

276 *CIL* III 8042; and *CIL* III 6575 (= 7127 = *ILS* 1421); cf. also *CIL* VI 278 ("dispensator qui ante vilicus huius loci (fuit)").

277 There is no doubt about the gender of the character, cf. *CIL* XI 1730 (Florentia, "actrix (consultaria) domus").

278 The legal status of *actores* is in most cases unspecified; cf. *CIL* VI 8688 (first century A.D., imperial freedman); *CIL* VI 8591 (imperial freedman in charge of tax collection, II/III); *AE* 1968, no. 109 (Satricum, III, libertus); *CIL* V 8237 (Aquileia, 244); *AE* 1937, no. 134 (Pannonia, libertus); *CIL* IX 2827 (Buca, second half of 1st century); *AE* 1977, no. 880 (= *CIL* VIII 25817, ingenarius); and *AE* 1989, no. 635 (Lower Moesia). The cases of *CIL* VI 8675, *CIL* IX 2123, and 6085, no. 49 are dubious. Cf. also Lulianus (39 dig.) *Dig* 34.3.12 (where the actor reportedly kept his functions after manumission); and W. Scheidel, *CQ* 40 (1990) 591-93.
deserving actores were denied the prospect of manumission, only that once freed they were unlikely to retain their position.279 Landowners obviously considered slave actores more useful or more suitable than free(d) actores, since Ulpianus reports that some people were selling themselves into slavery to find employment as actores, or to share in the price of the sale.280 This is precisely how Pallas, Claudius’s or Nero’s freedman, started his enormously successful career, selling himself into slavery “ad actum administrandum.” 281 It also shows that the function of actus carried some prestige and could be rewarding. From the point of view of the agent, the position was attractive because it gave him access to a substantial sum of money in cash. Besides, the agent was very mobile, shuttling from country to town, where he could spend part of his time conducting business on account of his master and taking care of his own interests.282 As middleman between his master, the staff of the agricultural estates, and people doing business with his master, the actus was able to collect tips, and to exert control over the activities of the community in which he lived and operated.283 Thus, he could af-

279 Scaevola (24 dig.) Dig. 40.5.19 pr. (after manumission the actus cannot be compelled to present the accounts he kept while he was still a slave); idem (22 dig.) Dig. 32.41.2; idem (24 dig.) Dig. 40.7.40.3-8; and Paulus (2 decl.) Dig. 32.97.


282 On the mobility of actores as business managers, cf. Ulpianus (20 ad Sab.) Dig. 33.7.12.38, which indicates that actores were sent on business trips not necessarily connected with the management of an agricultural estate; and Scaevola (3 repr.) Dig. 33.7.20 4 (“. . . cum actores non in praeda, sed in civitate moratur sit.”)


284 Slave actores could have vicarii, cf. CIL V 5318; CIL V, Suppl. 239 (= additor); and Scaevola (5 repr.) Dig. 20.1.32. On the pecunia of actores, cf. Scaevola (24 dig.) Dig. 40.7.40.3; Papinius (5 repr.) Dig. 26.7.39.18 (“Quod de peculo servi actoris . . . ”).

285 It is likely that both functions were assumed simultaneously, cf. CIL VI 9130 (“notarius et actarius”); AE 1955, no. 80 (Lambesia/Numidia, “actarius et notarius”); CIL VI 31652 (“actarius oris ararius”); CIL IX 6592 (Vetulina/Regio 1, “actori et agricola optimo”). Whether the actor in triumphus was himself one of the shopkeepers (cananbari) or whether he merely collected revenues from them is unclear, cf. CIL XIII 6730 (Mogontiacum/Upper Germania).

286 Cf., for instance, CIL VI 41 (I); CIL VI 272; CIL VI 365 and 366; CIL VI 8366 (imperial slave?); CIL VI 8850 (imperial “actor a frumento”); CIL VI 9118; CIL VI 9123 and 9127 (two different actores of the same domina); CIL VI 33827 (?); AE 1964, no. 94 (II); CIL IX 322 (Gannacius); CIL IX 6063, no. 40 (Larum, seal); CIL IX 6085, no. 120 (Acclantium, seal); CIL X 1969 (Putroli); CIL X 283 (Tegium); CIL XV 1049 (Rome) = CIL IX 8046, no. 5 (Caralbicans/Sard., title); CIL XI 6076 (Urburium Matairense, late III); CIL XI 3732 = CIL VI 585 (Lorium, II); CIL XI 2868 (Volusinii); AE 1983, no. 189 (Ostia); CIL XIV 2251 (Ager Albus); CIL XIV 2301 (Ager Albatus); AE 1983, no. 874 (Ulpiana/Moesia); and Apul., Met. 2.25.

287 AE 1984, no. 56 (Rome, after 123, title); CIL XV 1049 (Rome, title) = CIL X 8046, no. 5 (Caralbicans/Sard., title); CIL IX 6083, no. 48 (Larum, seal); CIL IX 6083, no. 49 (Acclantium, seal); CIL IX 6083, no. 130 (Acclantium, seal); CIL IX 6083, no. 43 (Antium, seal); CIL IX 6083, no. 111 (Strepidea, seal); CIL IX 6083, no. 124 (Colonia Gaetuli or Tegovilia?); CIL IX 6083, no. 163 (Palata, seal); CIL IX 6599, no. 29 (Neapolis, seal); CIL IX 8059, no. 123 (Sardinia, seal); CIL IV 6499 (amphora stamp) should perhaps be discarded, since the restitution “[a]ctor” is questionable in view of the early date of the archaeological context (late I B.C.) and of the absence of parallel instances of actores on amphorae.
of their business, especially when their estates were widely scattered.\textsuperscript{289} \textit{Actores} held a middle position between \textit{procursatores} and \textit{vicii}, but the nature of their relationship with either group remains unclear.

c. \textit{dispensatores}

The position of \textit{dispensatores} was comparable in many ways to that of \textit{vicii} or \textit{actores}.\textsuperscript{289} The jurists, however, never mention the \textit{praeposito} of a \textit{dispensator}. One single inscription from Pannonia records one \textit{dispensator rationis as praepositus arcae}, but the two functions may have been complementary.\textsuperscript{290} Besides, some circumstantial evidence suggests that \textit{dispensatores} did not belong to the category of \textit{insitores}: Gaius says that \textit{dispensatores} were slaves left in charge of handling cash.\textsuperscript{291} Thus, the legal position of \textit{dispensatores} rested on their master’s consent (\textit{permисsus domini}), while the legal position of \textit{insitores} rested on the principal’s will (\textit{voluntas}) expressed through the appointment (\textit{praeposito}) of the agent to the head of a managerial unit. Pompontius remarks that only the transactions performed by agents in accordance with their principals’ will would make the latter fully liable. Short of that, the liability of the principal would be limited to the extent of the \textit{peculium}.\textsuperscript{292} It is then no coincidence that the late Republican jurist Tsubero regards the same \textit{permисsus domini} as the legal basis of a slave’s \textit{peculium}.\textsuperscript{293}

In our sources, \textit{dispensatores} are always slaves and because slaves had no legal personality, all payments received by them were automatically credited to their master.\textsuperscript{294} Although most of the evidence focuses on \textit{dispensatores} as the receiving end of transactions, there is no doubt that they also made out payments, as their title suggests. Gaius, for instance, indicates that the parties to a contract by stipulation had to give formal notice to their respective \textit{dispensatores} for every payment made (and received) in their absence, lest the stipulation be void. This formal notice was tantamount to a \textit{tussum}. As a result, the transaction performed by the \textit{dispensator} was valid and binding, and his master was fully liable.\textsuperscript{295} By acting through \textit{tussum} instead of \textit{praeposito}, the principal retained a tighter control over an economically sensitive operation, namely the handling of cash. G. Boulvert points out that some sources show imperial \textit{dispensatores} making contracts on behalf of the imperial treasury (\textit{fiscus}), and he

\textsuperscript{289} Valerius Agathophilus Meliteus, who was possibly the \textit{procurator} of Herodes Atticus, had 27 \textit{spuriae/curriculumi} who were active at Peiraeeus, the commercial port of Athens, cf. SFG 856 (ca. 161). Several \textit{actores} are also mentioned by Pinyani, Ep. 3.91-92, Scaevaola (24 dig.) Dig. 10.7.40.7. Symmachus, Ep. 5.89; 6.9; 15.13; 9.2; 9.130; and by the anonymous author of the \textit{Ep. ad Salvis} (AntItr. 26 [1989] 240-41 and 245). The two \textit{actores} of Valeria Polia (\textit{CIL VI} 9125 and 9127) may have been active either successively or simultaneously.

\textsuperscript{289} W. Liebenen, \textit{PW} 5 (1908) 11-99; J. Mañia Coelho, \textit{Officium dispensatori}, \textit{Gerson} 1 (1929) 107-12, based on the study of 235 inscriptions from all over the Empire, and J. Caius, \textit{Dispensatores in Roman North Africa}, in A. Mastino (ed.), \textit{L’Africa romana IX} (Sassari 1992) 97-104. The Greek translation is εικονιοντας (cf. Chapter One, and \textit{CIL III} 333 = \textit{IGR III} 25 [Bithynia] and \textit{SB} VI 9248 [Egypt]), which stands also on occasions for \textit{vicii} (\textit{CIL III} 447, Miletus, \textit{portium}, bilingual), but not for \textit{actor} (\textit{IGR I} 464, Venusia, the same as in \textit{CIL III} 425, Venusia): these two inscriptions probably reflect two different moments in the life of \textit{dispensatores}.


\textsuperscript{291} \textit{CIL III} 4049 (Poeotovia/Upper Pannonia), which records one “\textit{onomatologia dispencator rationis praepositus arcae}.” G. Boulvert (1970) 429, n. 318 considers that the \textit{dispensator rationis} in charge of an \textit{arca} was assisted by \textit{arcarii}.

\textsuperscript{292} Gaius, Inst. I. 122: “unde servi quibus permetitur administratio pecuniae dispensatores appellati sunt”.

\textsuperscript{293} Ulpianus (28 ad ed.), quoting Pomponius, \textit{Dig.} 14.1.1.1: “Et ita videtur et Pomponius significare, si sit in aliena potestate, si quidem voluntate gerat, in solidum eum obligari, si minus, in peculium.” In this context, Ulpianus discusses the liability of the \textit{dominus/pater familias} of an \textit{exercitio-in-power} who had appointed a \textit{magister navis}. While the rest of the passage may show signs of interpolation, this sentence seems genuine.


\textsuperscript{295} G. Boulvert (1971) 670, n. 28. G. Bloch, \textit{Dasag.} 2 (1892) 280-286, s.v. \textit{dispensator} thinks that while \textit{dispensatores} were most commonly slaves, there were a few exceptional freedmen or freemen. The only possible case of a freed \textit{dispensator} known to me is recorded in a badly damaged Latin inscription from Lower Moesia (\textit{CIL III} 14427).

\textsuperscript{296} Gaius (2 de serv. oblig. 1) Dig. 45.1.141: “Si inter eos, qui Romae sunt, talis fiat stipulatio: ‘bodic Carthagine dare spondes’; quodam putant non semper vidici impossibilem causam stipulatio continer, quia posse contingere, ut tam stipulato quem promissor in aliquo tempus usque dispensator iuris fecerit in eum illum futurum stipulatum ac demdasseti promissor quidem suo dispensatori, ut daret, stipulatus autem suo, ac accipieret: quod si ilam luctum fuerit, potest valere stipulatio.” The word \textit{tussum} is admittedly not used, but it is worth stressing that only the paying party gives instruction to the effect that payment was made (“demdasseter”) while both parties notify (“notum fecerit”) their respective \textit{dispensator}. Since the third contracting party—who was asking the question—was taking part in the \textit{stipulatio}, there was no need for the \textit{iurum} to be addressed to the receiving \textit{dispensator} as well.
correctly assumes that in such cases the intervention of an imperial procurator was necessary. The same is true about Ps.-Quintilian’s contention that rich landowners lent money through their dispensatores. In conclusion, it is fair to assume that each time a dispensator entered a contract on behalf of his master, he did so upon request (iussum) from the master himself or from his procurator.

Dispensatores could also have some legal capacity on their own if they had a peculium. Since dispensatores rank high in the servile hierarchy and since it was essential that they remain trustworthy, they must have fared rather well in this respect. Some of the dispensatores recorded in the literary and epigraphical sources were notorious for accumulating gigantic pecula. Muscius Scuranus, who held the title of dispensator ad fiscum Gallicum provinciae Lugudunensis under Tiberius, used to travel with his own doctor, banker, business manager, etc., among his iucar. He certainly belonged to the top layer of his class, and perhaps of Roman society altogether. The transactions performed by such dispensatores made their masters liable to an actio de peculio instead of an actio insititia.

For dispensatores, unlike viticii and actores, manumission represented the end of a career. In accordance with equity, however, a payment made by an ignorant debtor to a dispensator who had been manumitted or removed from office was considered valid, in spite of the fact that “stricta iuris ratione” payment to a third party does not extinguish a debt. In case of manumission, the former master had an actio negotiorum gestorum or mandati against his former dispensator to get his money back. Had the dispensator been a type of institor, manumission would not affect his ability to carry out his job, since the legal status (libertus or servus) of the institor after his initial appoint-

308 Ps.-Quint., Decr. min. 345.t: “...per dispensatores faenarati...”
309 Ulpius (6 ad Plaut.) Dig. 46.3.62: “Dispensatores meum testamento librum esse scripsit et peculium et legavit...” Cf. also Plin., HN 7.128, and ibidem 33.145.
309 CIL VI 5197 (= ILS 15154).
310 Iulianus (11 dig.) Dig. 14.3.12.
311 Gai., Inst. 3.160; and Paulus (9 ad Plaut.) Dig. 46.3.51.
312 Ulpius (8 ad Plaut.) Dig. 46.3.62.

F. Conclusion

In consequence of various social and economic developments, the traditional citizen-farmers of Early Rome were partly replaced by absentee landowners who had their land leased out to tenants or managed by viticii. The choice between the two systems was probably not determined, as is often surmised, by the availability of free vs. slave labor or by their compared profitability. Both tenant-farmers (coloni) and viticii could oversee a servile or mixed rural household (familia rustica). A survey of the literary and epigraphical sources suggests that tenancy and viticus system existed side-by-side, and that the legal status of the managers was no barrier to either track. As slave labor was considered—and has been shown to be—most efficient when supplemented by temporary hired labor, it is likely that the viticus found his raison d’être in the time-consuming job of coordinating the farmwork by balancing the needs of labor at different times of the year, hiring additional hands, and negotiating contracts for the execution of certain tasks. In addition, he may have been involved in the marketing of surpluses, even more so when the villa economy became oriented toward the production of cash crops and non-agricultural goods. His position of dependence in relation to his master and his appointment as manager of an economic unit, consisting of real estate (fundus) equipped with adequate staff (familia rustica), livestock, tools, material, and furnished facilities (instrumentum), bestowed onto him a legal capacity with which he could play the role of economic agent in spite of the deficiencies of the Roman law of persons and obligations, and notwithstanding the deep-rooted prejudices of the Roman elite against petty tradesmen.

The literary and legal texts referring to viticii in the Republican...
period present them invariably in an agricultural setting, which induces me to postulate that the *vilicus* system was first developed in agriculture. This hypothesis is also supported by the etymology of the term *vilicus*. The later evidence shows that the system apparently worked well and soon outreached the boundaries of agricultural estates to become a sort of standard system of management.

The evidence suggests that the *vilicus* system remained alive throughout Roman history down to the early Middle Ages and was probably not affected by the possible—though hypothetical—fluctuations of ancient slavery. Even the decline of the villa economy in the second century A.D. cannot be shown to have had an adverse effect on this system of management. A good example is provided by the Roman villa at Contra Mirabile (Mazara del Vallo/Sicily) which was destroyed by fire between A.D. 150 and 180. Although the villa was never rebuilt, its archaeological remains show unmistakable signs of continuing agricultural activity until the fifth century. The excavators conclude that “there is no certain a priori link between the abandonment of the villas as even temporary residences of their owners and the dissolution of their apparently productive economy: wheat cultivation, with slaves or free labour overseen by a *vilicus* or *conductor* could, and probably did, continue.”

One of the drawbacks of the system consisted in the lack of mobility on the part of the *vilicus*. Communication between estate managers and landowners could, and often did, pass through the intermediary of a general agent, the *procurator*. By the first century A.D. a new character shows up in the literary, legal, and epigraphical sources, i.e., the *actor*, whose legal capacity was also based on his appointment (*praepositus*) by the principal/landowner. His bond to the land was looser, and his geographic mobility enhanced. *Vilicus* and *actor* coexisted from then on, and the latter might have eclipsed the former in the legal sources in later antiquity, when the concept of direct agency, short of being accepted by the jurists, raised less and less suspicion in practical situations.

How the *vilicus* system was extended to other areas of private and public life will be discussed in the following chapters.

305 E. Fennessy—D. Kemnitz—J. Valenti, “A Sicilian Villa and its Landscape (Contra Mirabile, Mazara del Vallo 1988),” *Opus* 5 (1986) [1990] 75-95, esp. 85-86. The point is that production continued seemingly unaffected by the destruction of the villa as a luxurious or simply comfortable residence, therefore occupied by well-to-do owners.

CHAPTER FOUR

PRODUCTION AND DISTRIBUTION OF CLAY ARTIFACTS

A. INFRASTRUCTURE

In Italy during the Republican and early Imperial periods, artifacts were commonly produced within the household or in small workshops appended to stores where independent craftsmen sold their finished products on a local scale.\(^1\) The production was intended to satisfy local consumption, which explains why it was carried out in such small units of production. Under these conditions, there was little need for agency, division of labor, and specialization.

Regional exports, however, must have started early. In Cato’s list of favorite shopping centers, the landowner is invited to buy tools, equipment, containers, and garments in various towns of Latium, Campania, and even Lucania.\(^2\) The cost of transport and installation of a mill bought at Susa to a farmstead near Venafro amounted to 72 sesterii, including the wages of six men for six days. By way of comparison, the freight from Pompeii would have been 280 sesterii.\(^3\) If the production of small towns like Pompeii, Susa, etc. was supposed to satisfy the demand of a regional market, one should expect the size or the number of these units of production to grow accordingly. Because of the slow growth of the industrial sector in antiquity, small and medium-sized workshops were never replaced by large factories.\(^4\)

\(^1\) M. Rostovtzeff, *The Social and Economic History of the Roman Empire* (Oxford 1957) 550-51, n. 25, reports that in Pompeii the first workshops attached to private houses date to the second century B.C. (House of Pansa); a small factory was combined with a retail shop (local trade). By contrast, the archaeological evidence from Ostia points toward larger establishments producing for exports (ibid 73 and 567-68, nn. 36-37). A typical small workshop in Pompeii is described by G. Cerulli Irelli, “Officina di lucerne fiorenti a Pompei,” in *L’instrumentum domesticum di Esclamo e Pompei nella prima età imperiale* (Rome 1977) 53-72, where the production of lamps was only one of several economic activities performed on a regular basis.


\(^3\) Cato, *Agr.* 22.3-4.

Some artifacts were indeed produced on a larger scale, in establishments employing numbers of workers. One thinks primarily of the clay industry, which produced various types of building materials, such as bricks and tiles, disposable or reusable containers, such as amphorae and doliæ, and artifacts of daily use, such as tableware and lamps. The mass production of glass, metal, and stone objects was carried out along the same lines. Due to the size of the production and the extent of the distribution of these artifacts, the organizational structure of these industries was undoubtedly different from that used in small, local enterprises. In its most extreme form, the whole economic process would splinter either vertically (with marketing gaining independence from manufacture) or horizontally (with the opening of branch factories and outlets), or both ways. When this phenomenon occurred, entrepreneurs had to rely on agents and middlemen.

One important feature of craftsmanship, not peculiar to the Roman world, and well attested in a wide range of artistic activities and crafts, is that artists and artisans tend to claim credit for their work by signing their products, which enables customers and later historians to identify the origin of many artifacts. This point is verified by the thousands of stamped and painted signatures on clay artifacts. Signatures also appeared on less resistant materials, such as wood or glass, and even on perishable commodities, such as bread. Pliny the Younger reports that his gardener used to clip box shrubs into the shape of letters which represented the names—probably in an abbreviated form—of both the artisan and his master.

The problem with such signatures is that they rarely provide any information about the craftsmen’s legal status, social condition, or professional situation. When the name itself points toward a servile origin, it is often impossible to distinguish slaves from freedmen. Besides, the role of the masters/patrons in the manufacturing process remains unclear in most cases, to the point that there is often no way to tell whether the slave/freedman is an employee or an independent entrepreneur. The signatures are found on various parts of the artifact, they display various shapes (circular, bilinear, unilinear) and internal structures (phrase, single or several names), and are more or less abbreviated. Room is left for a wide array of interpretations, none of which are universally valid and/or verifiable.

The purpose of this chapter is to examine the organization of certain types of workshops producing clay artifacts, and the subsequent marketing of this production. The choice of this sector of the Roman economy for a series of case studies does not reflect the importance of the clay industry in the ancient economy. In that regard, a larger part of the non-agricultural work force was employed in the textile industry. What is unique in the case of the clay industry is that both the manufacturing process and the final products have left plenty of traces in the form of archaeological material, such as kilns, sheds, moulds, tools, scores of completely preserved artifacts, and sherds. This enormous quantity of archaeological remains forms the main evidence for the study of ancient trade. The point is to determine whether archaeology can fill some of the blanks in the written sources. Be it said at the outset: I found only scarce evidence pointing indisputably toward the role of agents, in contrast with independent businessmen or contractors, in any of the occupations described below. There is a lot of room, however, for the potential activity of instiutores or slaves with peculium at almost any stage and in any area, and my purpose is to demonstrate how nicely instiutores would fit in the picture based on current interpretations of the archaeological material. Consequently, I consider fruitless and misleading any attempt at quantifying the respective importance of agents, contractors, and independent businessmen involved in Roman industrial production and trade.

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7 Plin., Ep. 5.6.35: "Alii pratum, alibi ipsa buxus intervenit in formas mille descripta, litteras interdum, quae modo nomen domini discent modo artificii."
cation and analysis of factors that may have influenced entrep


trepreneurs facing the choice between various forms of industrial and commercial organization.

1. Industrial production and the villa economy

The production of clay artifacts was carried out in both urban and rural contexts. The higher the input of clay into the final product, the closer to the clay beds the workshop would have to be located. This is the reason why dolia, amphorae, bricks, and tiles were likely to be produced in suburban or rural workshops, while tableware (especially the finest kinds) and lamps rather belonged to an urban context. Conversely, the input of craftsmanship differed widely from one sector of the clay industry to the other. It would have been economically senseless to waste the talent and expertise of a specialized mould designer by employing him in other unrelated activities, whereas it mattered little if a brickmaker or even a common potter was assigned to agricultural works for extended periods of time.10

It is hard to assess to what extent the production of clay artifacts was integrated in the villa economy, but we have seen in the preceding chapter that the Latin agronomists regarded industrial activities as a natural complement to agriculture.11 The Sasernas, cited by Varro, considered the exploitation of clay beds as part of the agricultural process, because of the profits that landowners could derive from it.12 It is generally assumed that the clay was, under normal circumstances, used within a reasonable distance from the clay bed, but there is some evidence that high quality clay was sometimes transported and stored in amphorae.13 The farmstead was a con-

11 M. Rustozzetti, SEHRE (Oxford 1957) 175; and 617-18, n. 40.
12 Varro, Rast. 1.2.22-23.
13 M.H. Callender, Roman Amphorae with Index of Stamps (London 1965) 37-41 (“Amphora-borne commodities”) mentions the exceptional find in Turin of 1,350,000 amphorae (I suspect a misprint in the original report by H. Dreszel. BCAR 7 (1879) 193) piled up in two layers and filled with “finely washed and levigated clay.”

venient setting, because it could provide labor and facilities for the manufacture of clay artifacts, as a result of the seasonal unemployment inherent to Mediterranean agriculture (cf. Chapter Three).

The connection between industrial and agricultural activities is supported by epigraphical and legal evidence. In the Tabula Veleitensis (Trajanic period), one estate was registered as “fundus Iulianus cum filiginis” and another as “saltus Avega Veccius Debeli cum filiginis.”14 By comparison, the late-second-century-A.D. jurist Q. Cervidius Scaevola mentions the bequest of a “fundus/praediolum cum taberna.” The taberna could be either a restaurant/bar, a repair shop, or a store where the production of the local workshop was sold to travelers and neighbors.15 Tile and brick stamps often contain an indication of origin, which makes it possible to identify the owner of the estate where the clay was produced. The following standard stamp is found on a tile made ca. A.D. 138: EX PR(aeclii) DOMITIAE LVCILLAE EX FIG(linis) DOMIT(i)ANII / MINORI-B(ibus) OP(us) DOL(iare) AELI ALE/XANDRI.16 The stamp indicates that the tile was made on the estate (praedia) of Domitia Lucilla, out of clay coming from a particular clay district or brickyard (figilae), by the entrepreneur, workshop manager (officinato), or potter (P.) Aelius Alexander, or by one of his anonymous workers, if he had any. More will be said on this particular industry and on the specific meaning of figilae later on. Around the same period, the jurist L. Neratius Priscus, whose familiarity with rural situations is well documented, cites the case of a tenant-farmer (colonus) whose slave left in charge of a kiln (form[i]<a>carius) had inadvertently fallen asleep while on duty, thus causing a fire that destroyed the villa rented by his master.17 Finally, the jurist Paulus examines the case of servitudes imposed upon the usufructuary exploitation of an estate, and contends that the production of vases, amphorae, jars, and tiles in figilae should not be restricted, regard-

14 CIL XI 1147, II, 14, 89; and 47 (Regio VIII).
15 Scaevola (17 dig.) Dig. 32.35.2. and idem (19 dig.) Dig. 32.38.5.
16 CIL XV 171.
17 Upianus (18 ad ed.), quoting Neratius, Dig. 9.2.27.9 (— Coll. 12.7.7, FIRA II p. 575): “Si forniciarius servus coloni ad fornacem obdormit et villa fuerit exusta...” Admittedly, the fornax could also be used to heat baths or to bake bread, cf. Paulus (2 ad Vit.) Dig. 33.3.14, about a forn[i]<a>carius attached to a heinarium. On Neratius’s agricultural knowledge, cf. B.W. Frier, “Law, Technology, and Social Change: The Equipping of Italian Farm Tenancies,” ZRG 96 (1979) 204-28.
less of whether it was intended to satisfy the needs of the estate or to be exported.\textsuperscript{18}

All these rather incidental remarks are confirmed by the archaeological remains of some villas where signs of industrial activities are still visible. At Russi (Regio VIII, between Faenza and Rimini), the excavators found a kiln dated to the post-Trajanic era. The inland location of the villa was no obstacle to the export of the production, since waterways connected the villa with the neighboring town of Ravenna.\textsuperscript{19} Elsewhere in Emilia Romagna, the remains of a villa in activity from the first century B.C. to the fourth century A.D. show traces of sheds or lean-tos supported by pillars, which have been interpreted as drying areas for bricks and tiles before firing. The villa was located near the Via Popilia, built in 132 B.C., and on a canal (Fossa Augusta) connected with the main waterways (Fossa Flavia and Claudia) linking Ravenna and Altinum.\textsuperscript{20} Another industrial concern has been identified in the same region: it includes a levigation tank, two kilns, and a drying area. Two amphorae (Dr. 2-4), fourteen coins (from Augustus to the fourth century), a few sherds of fine pottery (North-Italic, from the late first century B.C. to the first century A.D.), some late lamps, a large number of sherds of coarse pottery (first and second century A.D.), and numerous tiles bearing the rectangular or in planta pedis stamp of T. Apusius Ampliatus point toward the activity of a local manufacturer in activity during the reigns of Augustus and Tiberius, or perhaps even later.\textsuperscript{21}

\textsuperscript{18} Paulus (15 ad Plaut. Dig. 8.3.6 pr.): “Veluti si fidigiae haberet, in quibus ea vasa fierent, quibus fructus eius fundi exportarentur (sicut in quibusdam fit, ut amphorae vinum evahatur aut ut dolia fiant), vel regiae vel ad villam adiciendam. Sed si, ut vasa venirent, fidigiae exercerentur, usus fructus erit.” Cf. A. di Porto, Sodalitium VII (1984) 3246-47.


\textsuperscript{21} D. Cavazzoni, “Un complesso produttivo fitile di età romana a Santo Marino (Poggio Berni [provincia di Forlì]). Relazione topografica preliminare,” Studi e Ricerche 34 (1985) 67-83. The site is located in a rural environment 18 km away from Rimini. The stamps display the following variants: VSI, or TA MPLIATI; or APVSI AMPLIATI; or T APVSI AMPLIATI. Other stamps have been found there: BALBI AEMILII (second century A.D.).

Other examples exist, but it is remarkable that kilns actually found near a villa are not so numerous as could be expected.\textsuperscript{22} This is probably due to the fact that kilns and workshops were often located at some distance from the farmstead for reasons of convenience and security. A good example is provided by two kilns recently excavated near Torrita di Siena (Central Tuscany). The vicinity of the Clunis river—navigable into the Tiber—and of a relay station (Mansionis Maniliana) situated on a passing road (Via Cassia) between two important towns (Arretium and Clusium) provided ideal conditions for the marketing of the production. A villa was located on a higher hill nearby. The dump attached to the workshop shows that the production was composed of various items (terra sigillata, bricks, tiles, and perhaps clay pipes and Dr. 2-4 amphorae). Terra sigillata and amphorae were probably fired in kiln A, while bricks and tiles were sent to kiln B. A series of stamps (tabula ansata or in planta pedis) on terra sigillata and on bricks bear the name of C. Umbricius Cordus (CVArr 468). Less common are the stamps of L. Umbricius Hospes (CVArr 2440) and Camurii (CVArr 397).\textsuperscript{23}

In such rural enterprises, the owner or manager (conductor, colonus, or vicicus) of the farmstead could run both the industrial and the agricultural production as one or two managerial units, or he could lease out one sector to a (sub-)contractor or to a (sub)tenant, or appoint a (sub)agent (insitor or subvicicus) to be in charge of it.\textsuperscript{24}

2. Nucleated industries

Centers of production, whatever their size, required a limited initial investment in tools and facilities. The most sophisticated—and therefore most expensive—item used in the clay industry was un-
doubtedly the kiln, but even individual potters producing on a small scale could have their own firing place. The raw material consisted mainly of three relatively common items, clay, water, and firewood. The fact that qualities of clay could vary greatly and that firewood was scarce in some regions may have conditioned the location and organization of such industries. Their supply necessitated some kind of logistical apparatus and may have motivated the occasional creation of nucleated industries, where independent potters shared the same kiln, in the proximity of good clay beds. In La Graufesenque (Aveyron/Gaul), the find of separation rings with various marks and some 213 account lists dated to the Neronian and Flavian periods attest the existence of a complex organization in the terra sigillata industry.\(^{23}\) If this hypothetical cooperation among potters did not extend over the stage of the firing, it was somewhat limited in time and certainly seasonal, because it is unlikely that more than ten or fifteen batches of ca. 30,000 vases could be fired within a year.\(^{26}\) As similar accounts have been found in other locations, it seems possible to extrapolate from the Gallic evidence for, at least, Italy, and perhaps for some other Western provinces.\(^{27}\) It is, however, difficult to estimate the importance of communal firing in any period and at any given place.

In most cases, it is impossible to determine the identity of the kiln’s owner. The owner of an agricultural estate may have rented out his kiln to the neighboring community, in the same way as he would have rented his mill, baking oven, baths, shops, or any other means of production or facility.\(^{28}\) One Republican inscription records the possible gift of a tile factory (? by a landowner, Gn. Domitius M.f. Calvinus, to his tenants.\(^{29}\) One should, however, refrain from proposing a general model whereby wealthy landowners would have controlled the means of production in a capitalistic fashion. Such an economic structure belongs rather to medieval seigneurial organization.

A group of independent potters could also jointly hire or appoint a specialist to take care of the kiln operation. The legal position of such an operator would vary from case to case. He could be hired or appointed by one of the potters, who would then subcontract his services to other potters. He could also be employed by the whole group united in a partnership (societas). Finally, if he was a slave manager, he could be jointly owned (as servus communis) by his employers.\(^{30}\) Again, this type of arrangement did not necessarily

\(^{23}\) Rings of separation are mentioned by J.-P. Jacob—H. Leroedde, “Un aspect de l’organisation des centres de production céramique: le mythe du ‘cartel’”, RGA 1982, 221-224, 1992-3, 403-404, who do not provide any reference. About account lists, cf. A. Osté, “Die Töpferrechnungen von der Graufesenque”, BJ 130 (1925) 38-99, esp. 41 and 65-68 (names of potters linked with the Gallic words “duci” or “toni” or “ett”); P.M. Duval—R. Marichal, “Un compte d’endourement inédit de La Graufesenque”, Mélanges d’archéologie et d’histoire offerts à A. Piggot III (Paris 1966) 141-52; R. Marichal, “Quelques graffitis inédits de la Graufesenque (Aveyron)”, CRAI (1971) 188-212, esp. 207. “Les bordereaux d’enfournements prouvent l’existence d’une coopération entre les potiers, on y constate de véritables associations, on y voit figurer des responsables ou surveillants, les historiens parlent de collégium, de coopérative de production, de cartels”, ce qui suppose au moins un rôlement de comptabilité, des règlements de comptes périodiques, ainsi qu’ils expliqueraient la cuisson des comptes esclaves d’Athéna” (cf. below); idem, “Nouveaux graffitis de la Graufesenque”, RAE 76 (1974) 85-110 and 266-99, in part 90, n. 1 with bibliography about the cart(e)s; idem, CRAI (1981) 244-72, esp. 264-70, where the author proposes a new interpretation of castinum (= flamen), perhaps as a way to date the batch (furnus or tabulae or autapis) or in reference with a five-year contract concluded between the kiln operator and the potters; cf. also C. Delplace, “Les potiers dans la société et l’économie de l’Italie et de la Gaule au 1er siècle av. et au 1er siècle ap. J.-C.”, Kinès 3 (1978) 55-76, esp. 63-70, who considers (57) the castinum as “un contrôleur chargé du contrôle fourneaux-bordure” and the flamen as “un contrôleur chargé de vérifier la température du four dans le but d’éviter tout accident de cuisson”; both the castinum and the flamen are chosen among the potters who deliver their goods to be fired, which points toward a sort of self-management; J.-P. Jacob, Le monde des céramistes gallo-romains. Esquisse d’une problématique économique, sociale et juridique (Thèse pour le Doctorat d’Etat in Histoire du Droit et des Faits Sociaux, Dijon 1981) (non vidi); and now, R. Marichal, Les graffitis de La Graufesenque (Gallia Suppl. 47, Paris 1988).

\(^{26}\) R. Marichal, CRAI (1981) 259; and 267-70.

\(^{27}\) A. Osté, BJ 130 (1925) 51-52 cites texts from Arezzo (CIL XI 6702, nos. 1-5); Horta (Italy, CIL XI 6702, no. 23a); Montans (Southern Gaul, CIL XIII 10017, no. 46); Billevouer (O. Buhn, Germania 7 [1925] 64-68, cf. now R. Marichal [1988] 260-62); and Rheinzabern (Ludowici, Rheinzabern Tafel I and II [1901-1904 and 1901-1905]). Cf. also D.P.S. Peacock (1983) 75-76. G. Pucci, in E. Ettlinger et al., Conspectus formarum terrae sigillatae italicæ medio conditio (Bonn 1994) 14-15 reports the find at Isola di Migliarino (7 km north of Pisa) of a plate signed by one SEXT(us) M(urrius) F(ectus) with an illegible graffito on its inside bottom part, which could be interpreted as another such account.

\(^{28}\) The evidence for such practices is rare, cf. COLUMella, Rust. 1.6.21: “Circa villam demum hanc esse oportet; furnum et pistrinum, quantum futurus; colonos novum colosorum postulaverit; CIL VIII 14428; 14457; and 16411; and perhaps Ulpianus (28 ad ed.), quoting Neratius, Dig. 9.2.7-7.9. Cf. J. Percival, “Segneurial Aspects of Late Roman Estate Management,” EHR 84 (1969) 456, nos. 7-8.

\(^{29}\) ILLRP 130 (Circuei/Tarracina, Latium) (= CIL X 3314 = 8043); [Gn. Do]MITIVS M.F. (/C)ALVINVS / (eo)LONEIS DEDIT. The editors (Illum, p. 43, ILLRP, p. 306, CIL X, p. 598) suggest that the object of “dedit” was perhaps some figinaria belonging to Gn. Domitius Calvinus. Similar tiles were found in Pompeii and Naples.

\(^{30}\) A. di Porto, Impresa collettiva e schiavo ‘manager’ in Roma antica (Milan 1984);
imply that the cooperation between potters extended further than the kiln operation. A combination of joint management of the kiln (in ownership or leasing) and subcontracting to outsiders was of course possible. More will be said about contracting potters in the section on amphorae (cf. below).

To improve the efficiency of the kiln operator, the employer(s) could give him some autonomy in the organization of his job. In the capacity of indirect agent appointed by the kiln owner(s)/potters for a specific purpose, the kiln operator was likely to negotiate contracts with outsiders, in order to hire assistants, buy fuel, and perhaps sell the production to customers, consumers or traders. In La Graufesenque, a woman named Atelia is known to have rented six of her slaves to one entrepreneur or to a consortium of potters. The account (diarium), written before firing on the inside of a plate, lists various tasks performed by each of the slaves between July 22 and August 23 of an unknown year (in the first century A.D.). The slaves were assigned to various workplaces (entriesphrased with ad + accusative) or had to perform specific tasks (entries with an accusative alone), such as collecting clay ("argilam"), gathering construction material or firewood (? "materiem erige(n)da(m)"), polishing (? "ad samiamum"), and transporting and marketing the products ("mercatur(m)"). The verso of the Atelia inscription mentions the service of a muleteer (muloto) who was the slave of one Candidus, himself the son or slave of one Urus. This document shows that slaves belonging to various masters were involved in the enterprise. If this hypothesis is correct, contracts of hire were concluded between the kiln operator and his employer(s) on one side, and Atelia, Candidus, Urus, or any other master on the other. The purpose of this contract was to provide the kiln operator with whatever manpower (mercenarii) was required to enable him to keep the kiln in activity. Other possibilities, however, are not excluded. Incidentally, it is interesting that even in a provincial setting such as La Graufesenque labor contracts were established in accordance with Roman law. A fragment found recently presents the same form as standardized legal documents attested elsewhere across the empire.

Finally, it is worth mentioning that even nucleated concerns could have offshoots. When business opportunities were discovered in the vicinity of a center of production, a few independent potters could join together to take advantage of the new market and relocate, at least on a temporary basis. Thus, it appears that a group of potters from Montans in Southern Gaul operated a workshop at Valery (Tarn) on a seasonal basis. Such workshops are called "satellite-workshops," as they always retain their link with the original center of production.

determine the legal status of potters at La Graufesenque, because (a) Atelia was not necessarily a potter herself (at least her stamp has not been found so far); and (b) the use of slaves by the kiln operator or any potter does not preclude him from being a slave himself, because slaves could have extari and mercararii (against M. Lejeune, who mistakenly asserts (209) that "il ne saurait y avoir d'esclaves d'esclaves"). On the organization of the pottery industry in La Graufesenque, cf. K. Strobel, "Einige Bemerkungen zu den historisch-archäologischen Grundlagen einer Neuformulierung der Sigillatentochronologie für Germanien und Rätien und zu wirtschaftsgeschichtlichen Aspekten der römischen Keramikindustrie," MBAH 6 (1987) 75-115, esp. 109-13.

32 R. Marichal, CRAI (1981) 266 and 272, publishing an incomplete sale document (graffito made before firing) found in 1980 in the dump of the Flavian kiln. It reads: "... Juro opp[al] / Jem horinim [ ... ] / ... jive ... " (original not specified) at the Roman kiln at La Graufesenque, which is one of the few kilns in Gaul mentioned in inscriptions of that period.}


3. Channels of distribution

When production was too abundant to be absorbed by local consumption, the manufacturers had to organize the distribution of their goods, again individually or collectively, sometimes over long distances. They could rely on their own agents, slaves or freedmen, or deal with independent tradesmen, mercatores or negotiatores. The difference between the two categories was a matter of scale and diversity of interests—and therefore a matter of respectability. Both groups provided basically the same types of services. Traders could be personally engaged in trade or provide financial support for operations actually carried out by others, contractors or agents, dependents or hired employees. Modern historians usually associate the reliance on agents with important people involved in large-scale operation. This might be a reasonable assumption in some cases, but it should not necessarily be so. Florus and Severus, whose ship was operated by the actor Bosicinus, were involved in trade between Britain and Lower Germania sometime between ca. 190 and 227. There is no evidence that they owned more than this one ship and that they were doing anything more than shipping commodities from one place to another. In the capacity of actor navis, Bosicinus was the agent of a partnership between two people (or a societas). This joint venture suggests that neither of the shippers was financially strong enough to equip a ship on his own, or that both felt the necessity to decrease the impact that a potential loss of the

ship would have on their financial assets. M. Hassall, however, suggests that

Shipping, too, will have been in the hands of both individual navis and small societae. The smaller shipowners or the active members of partnerships will have operated their own vessels, but the larger owners will have employed actores navium, agents to represent them on board ship. ... Actores may also have been employed by the larger companies of negotiatores, although it is likely that most of the dedications at the two Dutch sites (= Domburg and Colijnsplaat) were made by merchants or shippers rather than their agents. [36]

Occasional epigraphical references to negotiatores cretarii (or artis cretariarum) offer a glimpse of the phenomenon, but it is difficult to recognize the ramifications of their networks and the full range of their activities. Sometimes, merchants dedicated inscriptions in which they recorded their place of origin, or the markets that they used to supply. Negotiatores cretarii, however, are attested only in the Northern provinces in the late second and early third centuries, and we do not know how to distinguish distributors of clay artifacts from other businessmen in other regions and in earlier times. Most of them

34 J. H. D’Arms, Commerce and Social Standing in Ancient Rome (Cambridge, MA 1981) 24-25, quoting (n. 21) Cic., Planc., 26.64: “negotioribus comis, mercato-ribus iiatis,” and (n. 24) CIL X 1797 (Augustan age): “mercatores qui Alexandrinia Syriac negotiantur.” Mercatores were people of low station in life, while negotiatores (or “qui negotiantur”) were members of the upper classes (equestrian or senatorial order).


37 Since the cognomen Florus is more common than the nomen Florus, I suggest that Bosicinus was the agent of two persons rather than one.

38 Compare with Cato the Elder’s practice (reported by Plut., Cat. Mat. 21.5-6) of taking only a share in companies involved in seaborne trade. The operation was entirely financed by Cato, who lent money to his partners. Like Florus and Severus, he was represented by an agent, his freedman Quintio, who traveled on the ship. Cf. J. H. D’Arms, CSMR (1981) 39-40.


41 For negotiatores cretarii or negotiatores artis cretariarum, cf. CIL XIII 1798 (Lyons); CIL XIII 1906 (Lyons); CIL XIII 2033 (Lyons); CIL XIII 3666 (Rottenburg, A.D. 225); CIL XIII 8793 (Domburg), also attested in an inscription from the newly found temple of Dea Nebalena at Colijnsplaat, dated 190-227 (AE 1973, no. 370); CIL XIII 1830 (Cologne); CIL XIII 4336 (Metz); CIL XIII 6524 (Lorch); CIL XIII 7228 (Mais); CIL XIII 7300 (Cassel); CIL XIII 7588 (Weibaden); BRGR 27 (1937) 104, no. 188 (= AE 1931, no. 27, Bonn); and BRGR 40 (1950) 124, no. 3 (Trier); CIL III 5833 (Augsburg). Cf. also M. Hassall (1978) 41-46, esp. 44-45, according to whom negotiatores cretarii were trading in tableware (tergna scripta) as well as clay figurines, and might have formed guilds or companies; O. Schippach, Die Händler im römischen Kaiserreich in Galitien, Germanien und den Donau Provinzen, Rätien, Noricum und Pannonien (Amsterdam 1974, repr. with additions in 1987) 60-64, and 213-15, nn. 340-60; P.S. Middleton, “Army Supply in Roman Gaul. An Hypothesis for Roman Britain,” in B.C. Burnham – H.B. Johnson (eds.), Invasion and Response: The Case of Roman Britain (Oxford 1979) 81-97, esp. 85; K. Greene, The Archaeology of the Roman Economy (Berkeley/L. 1986) 156-67; D.P.S. Peacock (1862) 158-59; G. Pucci, “Pottery and
certainly also traded in other commodities, since it was easier, more efficient, and more cost-effective to load a ship with goods of various shapes and weights.

Wholesale traders supplied local retailers, either shopkeepers (tabernarii) or peddlers (circitores). Some of these were independent merchants, others could be the distributors' agents. Some wooden tablets found in Lothbury (London) and dating from the reign of Domitian come from the archive of a businessman and present one Crescens, possibly a slave, as debtor of the holder of the tablet. Another document alludes to a taberna, a shop, and the grant of permission (= iussum or praeposition?) in the context of a sale, but the text is illegible in many parts and prevents a complete understanding of the transaction.\(^{42}\)

Traders could deal with several producers. A wooden box found in Pompeii and containing unused earthenware of various origins illustrates the involvement of middlemen in the distribution of clay artifacts in Italy in the first century A.D. The crate was filled with ninety-stamped bowls made in Southern Gaul and thirty-seven lamps produced by various Italian firms (Strobilus, Communis, Echo, and Fortis). The package must have been put together somewhere in Italy before it was sent to Pompeii.\(^{43}\)

It has been argued that some major manufacturers, acting individually or in trusts, secured delimited areas where commercial competition was defused or eliminated.\(^{44}\) This kind of commercial practice is known to exist, as D.P.S. Peacock cites a case from modern Corsica, where potters—or the distributors of their products—seem to have carefully avoided competition by establishing local monopolies.\(^{45}\) C. Goudineau points out that the stamps found on the site of Bolsena permit to identify the production of the well-known Arretine potters Rasinioi, Tettius, and the Perennii, whereas other important contemporaneous manufacturers, such as Cornelius, C. and L. Annius, Publius, and L. Pomponius Pisano are conspicuously absent. The cooperation between potters could have started with sharing some of the means of production, and was made possible by the lack of external competition. Such agreements were bound to be short-lived: signs of decline of the Arretine pottery industry are visible as early as A.D. 15, with the appearance of the stamps in planta pedis (cf. below) which Goudineau interprets as an effort by Arretine potters to fight external competition through the adoption of a new common trademark.

The absence of products of well-known potters on a site relatively close to Arezzo is admittedly surprising, but it does not necessarily imply that Arretine manufacturers ever managed to divide among themselves exclusive "zones d'influences." First, as Goudineau himself notes, only a small percentage of the fine ware was signed, and the production of other potters might be concealed in the mass of anonymous sherds. Further, one should take into consideration the possibility of non-economic factors in the process of distribution, such as personal connections of manufacturers or traders, or preferred routes of merchants, without overemphasizing the deliberate nature of the phenomenon. There is no sign of overproduction during the Augustan period, and this may be ascribed to the fact that some potters could, and chose to, export their production to the provinces. Thanks to a network of dynamic traders, it was possible to take advantage of a developing and juicy provincial market, part of which was constituted by the Roman army. This strategy was more profitable than to engage in a price war at home. Stiffer competition may have arisen slightly later, which undoubtedly affected the relationship between potters. Pliny the Elder was familiar with magical practices resorted to by potters: their purpose was to destroy their competitors' production during firing with the help of an array of curses and spells.\(^{46}\) If Pliny's allusion has any historical basis, it

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\(^{42}\) R.G. Collingwood - M.V. Taylor, "Roman Britain in 1939," *JRS* 31 (1941) 247. The date (Domitianic) is given by the first tablet (= a); the text of the second tablet (= b) reads "quae pecuniam petitionis item / scriptis solvere nulli debet" (Crescens ives ad quem ex res per/tinebit / ris primis / as /... s..." and the text of the third tablet (= c) reads "rem vendidisse / ex taberna sua /.../...nawi faciendum et permissionem dedisse /.../...clavi faciendum."\(^{43}\)

\(^{43}\) D. Atkinson, "A Hoard of Samian Ware from Pompeii," *JRS* 4 (1914) 37-64. The stamps on the bowls record the name of the potter (for instance, OFMOM for Mommo), and the diameter. Cf. *ILS* 8605.


might reflect the economic situation in the middle of the first century A.D., when provincial manufacturers had displaced Italian potters and restricted the latter’s share of the Gallic/Germanic markets.

The possibility of temporary cooperation between potters or traders does not necessarily imply that the clay industry was dominated by trusts. Some degree of economic concentration was occasionally achieved. W.V. Harris points out that the oligopolistic nature of the lamp industry in the first century A.D. is illustrated by the fact that “in most places the vast majority of signed lamps exhibit common marks which are also known from far distant sites.” However, such phenomena would have had a limited impact, as numerous instances show that the products of large firms never succeeded in totally displacing local production. In Southern Italy in the second century B.C., a black-glazed pottery was produced by scores of small workshops and distributed within a limited area, side-by-side with the widely-distributed Campanian A pottery. The situation was similar for the lamp industry: the finds of moulds and workshops as well as the distribution of marks show that numerous small workshops of limited range could coexist with a few major firms.

The mere quantity of artifacts produced by some firms, the range of their distribution, and the estimated duration of the activity of these firms suggest that the names appearing in the stamps could represent rich and powerful entrepreneurs who were unlikely to take part in the actual manufacturing process. It is therefore plausible that they were relying on agents working as workshop managers. Besides, mass production entailed problems of marketing which could be solved through decentralization of the production and by opening subsidiary workshops located closer to new markets. This type of measure had the advantage of lowering the costs of transportation. In addition, the producers were able to respond faster to market fluctuations by adjusting the quantity and/or the quality of their production. The literary and legal sources contain a few allusions to fictional or actual situations where business was conducted abroad through slaves and freedmen. Since the law governing indirect agency was appropriate to deal with this type of situation, it is sensible to look for traces of the involvement of business managers (institores, officinatores, velici, actores, etc.) in the production and distribution of clay artifacts.

This chapter will focus on four categories of goods, and study the role of business agents in the whole process, from the clay bed to the market. The first two sections will deal with clay artifacts produced mainly in the context of the villa economy, namely the production of building material, in particular bricks and tiles, and the production of amphorae and delta as containers of agricultural products. The last two sections will focus on the production and distribution of artifacts produced mostly, but not exclusively, in urban workshops, namely Arretine pottery (terra sigillata) and terracotta lamps. In each section, the specific nature of the material will be used to illustrate a particular aspect of the clay industry. Thus, the relationship between landowners and manufacturers will be examined in the section about bricks and tiles; the relationship between manufacturers and distributors in the section on amphorae; the epigraphical structure of the stamps and the use of chemical or physical means in identifying branch workshops in the section on terra sigillata; and the question of export of finished products and moulds in the section on terracotta lamps. Whether or not the conclusions reached in one case can be extrapolated to the others is admittedly debatable, but the main purpose of this chapter is to demonstrate the probable complementarity of various types of material.

B. Bricks and tiles

Because of the massive input of clay necessary for brick and tile production, brickyards were usually located in the country, on the site of clay beds and in the vicinity of convenient roads and waterways. The main question to be examined is whether or not the own-
ers of the land on which the clay beds were located were involved in the manufacturing process, and, if they were not, to what extent they remained in control of the brickyards (clay beds and workshops) and of the distribution networks. The responses to these questions depend on the identification of the persons represented in brick and tile stamps, on the interpretation of their other components, and on the general assessment of the function of the stamps.

1. Historical outline

While fired tiles were already produced throughout Italy during the Republican period, Roman bricks, down to the time of Vitruvius (ca. 15 B.C.), were usually sun dried. The change from sun dried to fired bricks must have occurred soon after that date and was probably connected with the building policy pursued by the Julio-Claudian emperors. Fired bricks are more resistant than sun dried bricks, as heat treatment (firing) provokes chemical and physical changes in the clay. In terms of production, fired bricks were more convenient than sun dried bricks, because they could be made year-around, faster, and on a larger scale. The shift from one technique to the other had the indirect consequence of providing modern historians with a mass of new documents in the form of brick and tile stamps, which yield some valuable information on the organization of the brick and tile industry.

The brick industry took off during the reign of Augustus, and was concentrated in the area around Rome. One of the earliest large brickyards located outside of Latium was the *figilinae Pannianae*, the production of which is attested in Northern Italy from ca. 43 B.C. until the Flavian period. The factory was at first privately owned, and later became imperial property. The Roman brick industry peaked during the second century A.D., may have declined in the third century, and shows signs of prosperity in the fourth century and beyond.54

2. The structure of tile and brick stamps

Most of the evidence about the organization of the brick and tile industry is provided by the artifacts themselves, in particular from the signatures stamped by the manufacturers on a certain percentage of their products.55 Signatures are more common on tiles than on bricks, but the reason for this is unclear. During the first phase of the history of fired brick and tile production (from the first to the early third century) the internal structure of the stamps changed. First-century stamps are shorter, and therefore more elliptic, than second-century stamps. As the latter usually convey more information, they will be used here to determine the relationship between the persons mentioned on them.

The most elaborate tile and brick stamps contain, in various orders, five bits of information:

(a) the name of the owner of the land where the clay was collected (EX PR(aedii) DOMITIAE LV'CILLAE);
(b) the name of the person in charge of the production (OP(us) DOL(iare) AELI ALEXANDRI, or EX OP(ficina) MYR(ini), or EX CONDVC(tione) PVBLICIAES QVINTIN(ac), or Q VOL(VSI BENEDICTI CONDVCTORIS);
(c) the name of the clay bed from which the clay originated, or of the brickyard in which the brick/tile was produced (EX FIG(linis) DOMIT(ianis) MINORIB(us), or DE LIC(mianis));
(d) a consular date (SQVILLA ET TITIANO COS); and
(e) the type of artifacts (TEG(u)L(a) SECIPEDALE (= sesquipedalis) DOLIARIS).

Not one single stamp presents all these elements together, but various combinations of some of them are attested.56 Only the first three categories will be examined here.

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56 *CIL* X 40; 171; 277; 650a; 761; 2414; and *CIL* XI 6663.
a. nomenclature

It is obvious that two groups of people are represented in stamps. One group is composed of domini (landowners), i.e. the people who owned the estate from which the clay was extracted and upon which the brickyard was located. The other group includes the officinatores (entrepreneurs or workshop managers), i.e. the people who produced the bricks. The term officinatores indiscriminately applies to a small potter working alone or with a few assistants, as well as to the director of one or several factories employing scores of workers. In order to understand the nature of the relationship between domini and officinatores, it is necessary to identify the individuals mentioned in either function in the stamps and to determine to which social group they belonged. Some of the characters recorded in brick stamps are known to us through other sources, but most of them, especially those who belonged to the category of officinatores, appear only in the stamps.

Roman nomenclature provides some clues about social status. Unfortunately, the identification of people appearing in the stamps is often hampered by the abbreviated form of their name, the reconstruction of which is rarely secure.\(^57\) In addition, when the abbreviated names of several persons are juxtaposed, it is difficult to establish which letter refers to whom. Finally, it is not even clear whether any individual letter represents a praenomen, a nomen gentilicium, or a cognomen, since people were usually referred to by either one or several names (duo or tria nomina). No consistency was observed in the stamps in this regard. The association nomen + cognomen was used to designate not only one branch of a family, but also women, who bore no praenomen. Two-letter stamps could represent any combination of praenomen + nomen or cognomen, or nomen + cognomen. Four- or five-letter stamps could represent brothers.

Cognomina existed at an early date, but down to the first century A.D. they were not necessary,\(^58\) from the second century A.D. onward, their absence was unusual. In the Imperial period, while only freborn and freedmen were referred to by tria nomina, a single name (usually a cognomen) could designate people of any social status. Freedmen usually adopted the praenomen and nomen of their former master and used their slave name as cognomen.

Slaves are usually referred to in connection with the name of their master in the genitive case. A. Oxe summarizes the development of slave nomenclature in the Republican and early Imperial periods as follows:

- names composed of the master’s praenomen in the genitive case and the ending -per (from puer) are found only in the literary sources (for instance, “Lucipor” = Form I);
- in the earliest monumental inscriptions (250-100 B.C.), slaves are referred to by their personal name (cognomen), such as “Eros, Primus, Fidelis,” etc.), followed by (a) the nomen of their master in the same case (used as an adjective, such as “Aurelius”); (b) the master’s abbreviated praenomen (meant to be in the genitive case, “I(uic)”); and (c) the label of slavery (servus) (for instance, “Eros Aurelius I(uic) servus”) = Form II;
- in the first century B.C. (from Sulla to the end of the Republic, the master’s nomen lost its function of adjective and became a genitive agreeing with the praenomen that follows (for instance, “Eros Aureli I(uic) servus”) = Form III;
- under Julius Caesar and Augustus, the master’s praenomen and the label of slavery were dropped, and the slave was referred to by his personal name followed by his master’s nomen in the genitive case (for instance, “Eros Aureli” = Form IV);
- during the Imperial period, one finds four variants of Form IV, with the the normal form featuring the slave’s personal name followed by his master’s praenomen and nomen, with or without the label of slavery (for instance, “Eros I(uic) Aureli servus” or “I(uic) Aureli servus”) = Form V; or
- the slave’s personal name followed by his master’s tria nomina, with or without the label of slavery (for instance, “Eros L. Aureli Cottae servus” or “I(uic) aureli servus”) = Form VI; or
- the slave’s personal name followed by his master’s cognomen, without the label of slavery (for instance, “Eros Cottae” = Form VII) or
- the slave’s personal name followed by his master’s nomen and cognomen, without the label of slavery (for instance, “Eros Aureli Cottae” = Form VIII).\(^59\)

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59 A. Oxe, “Zur älteren Nomenklatur der römischen Sklaven,” RhM 59 (1904)
More important, Oxé tentatively mentions another type of slave nomenclature (*Form IX*), which he regards as post-Augustan and typical of stamped signatures. This form features the master’s name (*nomen*, or *praenomen* + *nomen*, or *tria nomina*) in the genitive case followed by the slave’s personal name, in the nominative or genitive case (for instance, “Aureli Ero(ti)s” or “L(uci) Aureli Ero(ti)s” or “L(ucii) Aureli Cottaec Ero(ti)s” = *Form IX*). Oxé admits that he could not find one single unquestionable instance of this pattern among early pottery stamps. He also warns that it cannot be excluded in the later period, for which he also cites evidence from monumental inscriptions. As Oxé points out, this pattern was perhaps reserved for freedmen. Be that as it may, *Form IX* could be used to emphasize the relationship between *servus*/*libertus* and *dominus*/*patronus*, in order to advertise a relationship between agent and principal. In this case, the legal status of the agent had little relevance. This point will be discussed further on while dealing with the structure of the stamps on other clay artifacts. In conclusion, one should keep in mind that it is always difficult, not to say impossible, to determine the status of people on the basis of their name only, because the names of slaves and freedmen could be formed on the same pattern.

b. *dominus* and *officinarius*

Brick stamps display various patterns. First-century stamps are shorter and less explicit than second-century stamps, because they usually contain only one name referring to some unknown character. It is uncertain whether single-name stamps represent (a) the owner of the land in which the clay bed, or brickyard, was located, or (b) the manufacturer of the brick (provided, of course, that they were not one and the same person). By contrast, second-century stamps contain a set of two names (therefore they are called binominal), one of which often refers to the higher stratum of Roman socie-

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61 A. Oxé, *Röm. Münzzeit.* 59 (1904) 139-40, citing *CIL II* 2093 (Iliberis/Baetica, A.D. 26): “L. Valeri Iacti / (et) M. Valeri Vetusti / libertus Vernae / (et) M. Valeri Vetusti / Prima Vernae us(os) / v(otum) s(olvit) [casti] m(ecum) Saluti” etc.; *CIL III* 3141 (Apocris Island/Dalmatia); and *CIL XII* 4068 (Near Nimes/Narbonnais).

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63 T. Helen (1975) 22-23 and 94. The only *dominus* who can be surely identified as a slave is represented in stamps dated to 125, cf. *CIL XV* 810a-b (= *LSO* 678-679): *DOL EX FIG ANT EROTIS CAES N SER / P A E T I N O ET A P R O*.
The second category of names, either in the nominative case followed by an expressed or implied ‘‘ficet’’ or ‘‘officinatores,’’ or in the genitive case introduced by the word ‘‘ex officina’’ or ‘‘opus doliare,’’ represents 355 persons in all, including at least one member of the equestrian order, 62 20 women, and a majority of freedmen and slaves. 63 It is remarkable that officinatores often remained attached to figinae which were transferred from one dominus to the other. 64

Helen considers the presence of women among officinatores as a sign that officinatores were usually free entrepreneurs—similar to conductores in agriculture, mining, or tax collection—rather than business managers physically involved in the production. 65 This assumption may be correct, but one ought to stress that it is nothing more than a petitio principii based on the biased idea that women were not to be entrusted with managerial responsibilities or physical labor. Women are well attested as potters, and Roman law explicitly allowed them to play the role of business managers. 66 An interesting, though isolated, piece of evidence concerning the physical involvement of young women in tile production in the Republican period may strengthen this point. 67 A bilingual inscription from

Pietrabbondante (Samnium), written on a tile by two different hands, displays two short texts, one in Osca and the other in Latin:

a) HN SATTHEIS DETFRI SEGNAETTAT PLAVTAD

b) HERENNEIS AMICA SIGNAVIT QANDO PONEBAMVS TEGILA.

The text, written before firing, is dated to the first decade of the first century B.C. and records the signatures of two female slaves, Amica and Detfri (or Detfri = the ‘‘kneader’’), who belonged to one tilemaker named Herennius Sattius, a member of a gens well represented in Campania and Samnium during the Imperial period.70

The size of two sets of footprints impressed on the tile suggests that the two girls were about 12 year old, which should be considered as a minimum age. 71 Well-documented nineteenth- and early-twentieth-century attitudes of adult Italians toward children and child labor lend some credence to the assumption that teenagers in Roman times engaged in hard work and were entrusted with positions of responsibility. 72 The jurist Gaius reports that it was frequent to appoint youngsters as store managers, 73 and there is no reason why it should be different with other types of managerial

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NIAN / COS. Anteros may have held the figinae as part of his peculum. As no other name is mentioned in these stamps it might be that Anteros was both the holder of the land and the producer of the bricks. Cf. also P. Stellée, Prætoriae in Roman Brick Stamps of the Empire (Helsinki 1977) 59; CIL XV 1063 (discussed below); and S 537 (where the dominus is an armarus dispensator, hence probably a slave). M. Steinby, PW Suppl. 15 (1978) cols. 1519-24, counts 181 private dominii, including 47 women and 67 senators.

64 CIL XV 5962 (= LSO 463; OVPVS DVL ITALI THEODOTI EQ R FIC / SAL EX P FL ITTITIAN IV C V. CIL. PIR IV, no. 599; and M. Steinby, PW Suppl. 15 (1978) col. 1517.


66 M. Steinby, PW Suppl. 15 (1978) col. 1519. Figilinae changed hands very often. For instance, the figilinae Fableianae were transferred five times between ca. 120 and 217; and the figilinae Tanenteane were owned by seven different dominii from the time of Vespasian until ca. 150 (Steinby [1979] cols. 1520-21).


68 Ulpianus (28 ad ed.) Dig. 14.3.7.1: ”Parvi autem refert, quis sit insitior, masculus an femina, liber an servus, proprius vel alienus.” Cf. below in the section on women signilata.


70 Workshop Managers,” in W. V. Harris (ed.), The Inscribed Economy (1993) 180, nn. 63-64.

71 Cf. CIL. X 1272 (Nola); CIL. X 5204 (Casinum); CIL. IX 1588 (Beneventum); etc. Cf. CIL. IX index.

72 Such evidence for age is rather fragile, as adults can also have very small feet. Because of the combination of two different sets of footprints of similar sizes on the tile from Pietrabbondante, the possibility that the two women were nevertheless grown-up is fairly remote. Footprints are also found on inscriptions exhibited at the entrance of the Church of San Silvestro in Rome, and in the archaeological museum at Ostia.

73 A very young child entrusted with the technical aspect of film projection is the subject of the movie Cinema Paradiso (It., 1989), directed by G. Tornatore. In modern times, child labor was first regulated in Lombardo Veneto in 1843: the law prohibited the employment of children below age 9, and limited the duration of a workday to 10 hours for children from age 9 to 12, and to 12 hours for children from age 12 to 14. This law was rescinded in 1864, but new limitations were imposed by the government Giolett (prohibition of night shifts, and imposition of shorter shifts); cf. R. Lilli, Geschichte Italiens in der Neuzeit (Darmstadt 1980) 147-48; 213; and 249.

74 Gaius (9 ad ed. prov.) Dig. 14.3.8: “Nam et plebique pueros puellisque tabernis praeponunt.”
units, such as workshops. The surprising fact that the two girls were literate could indicate that they were more than mere handworkers; they probably belonged to the clerical staff or were joint-managers of the workshop. This inscription does not prove that all women officinatores were institores, but should warn us against the common assumption that women could not be involved in industrial activities in Roman Italy.

A similar document sheds light on the internal structure of a tile factory in Southern Italy. An inscribed tile was found on a tomb at Pellarò near Reggio Calabria. The archaeological context is somewhat confused, but clearly sets a terminus post quem in the second century B.C. The Greek text, composed of four parts, was written before firing. The main text records, in large letters, one Clemenc(i)s, slave of one Alfeius Primo. Three secondary inscriptions, in smaller letters, may be due to the hand of one of the potters employed in the workshop. The writer identifies himself as Anthus Regius, or Anthus of Reggio, and addresses some derogatory comments to a few other characters named Heranoros, Soterichos, and Primigenius (?), whom he calls "bald," "effeminate," "pseudo-potter," or "bad investment." The editors propose an ingenious interpretation of Aiospastána keramikés, which they read as the tile that lives near Aesop, hence a speaking tile. An alternative, simpler solution would be to consider Aesopitana as a female potter, a keramikos being to a keramikos what a basileas was to a basileús. To sum up, Clemenc(i)s could have been the slave manager of a tile factory belonging to Alfeius Primo. The staff was composed of male and female slaves, with the addition of at least one outsider (Anthus), who was far from enthusiastic about his fellow workers. One of them (Primigenius) was possibly a specialist in charge of operating the kiln (káuvos). Such was the possible life and organization of a workshop in the first century B.C., representing a local industry which became famous enough to be mentioned one century later by Pliny the Elder.

To return to the organization of the Roman brick industry, Helen shows that only 17.2 % of all officinatores seem to have been dependent (freedmen or slaves) of the dominus/a-mentioned in the same stamps. While these dependent officinatores are very likely to have been agents of the dominus, it does not imply that all other officinatores (more than 80 %) were contractors. In the two groups, only 19 % of all names are cognomina alone, which indicates, according to Helen, that less than 19 % of the people mentioned in brick stamps were slaves, because some of these isolated cognomina undoubtedly refer to freeborn, even senatorial persons. This assumption is unwarranted, since, as suggested above and in the following sections, what is usually regarded as trimo nomina signatures can in some cases be read as the combination of a praenomen + nomen in the genitive case (sometimes abbreviated) representing the principal or at least the owner of the slave whose cognomen—in the nominative or the genitive case—had been misidentified as the third part of the name (= Oxé, Form IX). Stamps of the Republican and early Imperial periods often bear a signature composed of duo nomina (praenomen and nomen in the genitive case) with a consular date. They undoubtedly refer to the owner of the brickyard. By the time of Augustus, the stamps became more and more binominial, officinarius and dominus being referred to by one, two, or three names in the genitive case.

74 V.W. Harris, Ancient Literacy (Cambridge, MA 1989) 197-206, esp. 199. "Italy had a corps of literate slaves who supervised the work of others." Harris does not refer to the inscription from Pietrabonbante, but to the scratchings made in the channel of an aqueduct near Tarentum by the foreman (?) of a work crew to record the names of workers present on certain days. This interpretation fits well with the evidence from agricultural writers (Harris 256).

75 E. Lattanzi - M. Letizia Lazzarini - F. Mosino, "La tegola di Pellarò (Reggio Calabria)." PP 44 (1989) 286-310, esp. 286-94 mention the nearby find of an early circular kiln and of bronze coins of Augustrus, and the presence of amphora sherds (III II B.C.) and coins from the mint of Reggio (perhaps II B.C.) next to the skeleton of the deceased person.

76 The text reads: (a) KHN M EΛHΩ DΛI T I P R I M I N O S Ο T A S E.</ref> (b) ΑΝΘΟΟ P XH ΠΕΒΟΕΝΟΣ ΚΕΡΑΙΩΝ. (c) ΠΡΟΜΕΝΟΝ ΟΘΙΤΑ (?) το μάλλην ΚΑΤΤΑΣ (?) γάρ ἐστι. (d) Πρωι.  

77 Pliny, HN 35.165. Cf. E. Lattanzi et al., PP 44 (1989) 306-08, favor a date in the late first century B.C. or early first century A.D. on the basis of the Romanized context (Latin names and words, for instance, malentius) and the absence of praenomen for Alfeius Primo, a phenomenon which became common only in the second century A.D. They also suggest that Alfeius Primo owned a villa in the vicinity, but this remains a mere hypothesis. In this case, Clemens could have been a vilicus; cf. R. Gordon, JRS 83 (1993) 152, n. 350.

78 T. Helen (1975) 103-09; and 130, mentioning only locatio conductio and usus fructus, cf. Paulus (15 ad Flav.) Dig. 8.3.6. Officinatores who were not dependents of the dominus could nevertheless be appointed business managers (cf. Chapter Two).


80 TLRP 1151-1170 (= CIL XI 6673, nos. 1-6, 11, and 21 = ILS 8646a-b).

81 For instance, the products of the figitana owned by C. Annius Pollio (cos. A.D. 23) are signed by various officinatores, all of free status, cf. CIL XV 2231-2234.
later period, the uncertainty about the order in which the names should be read is increased by the circular form of brick stamps. For instance, the stamp C CALPETAN / CRESCENTIS is extant on a variety of products (dolium, pelvis, brick). It is uncertain whether we are dealing with one person, C. Calpetanus Crescens, or with two persons, i.e. a slave/freedman named Crescens working for one C. Calpetanus. An officinator with the same name is attested in other stamps as CRESCEN / C CALPETA / LIVIANI and as CRESCENTIS / C CALP FAVORIS. The name Crescens is too common to permit any safe conclusion, and it is not sure whether the first Crescens was the same person as the slave of C. Calpetanus Livianus at Pompeii before 79, or of C. Calpetanus Favor in Rome in the early second century A.D. Further, Crescens may have been manumitted at some point and thereafter was known as C. Calpetanus Crescens. It is also possible that Crescens started as officinator and ultimately became dominus.

Slave officinatores are sometimes identified in the stamps by an indication of status and/or by an unmistakable reference to their owners. Dionysius was a slave of Domitia Lucilla, and advertised his status on the bricks he made in a brickyard located on an estate belonging to his domina. In his capacity of officinator, Dionysius was perhaps an insitior or a serum cum peculo who remained active during more than a decade (123-134). It is worth noticing that he was not the only officinator employed in the brickyard located on the property of Domitia Lucilla, which means that brickyards (figilae) were certainly divided into workshops (officinae). Other slaves, freedmen, and freeborn employed by Domitia Lucilla may have been actively involved in brick production at the same time, but they

were probably working in different workshops or even in different brickyards.

In some cases, the master of the slave officinatores was obviously different from the owner of the brickyard (figilae). For instance, Mercurius was the slave of Tib. Claudius Quinquiralis, and signed the bricks produced on the estate of Lucilla Veri, probably between 145 and 155. Mercurius was probably a mercenarius (in the sense of a slave rented out by his master) employed as manager of the officina by Lucilla Veri. Tib. Claudius Quinquiralis had other slaves signing bricks in the position of officinatores; one was named Epagathus. In addition, we know that Tib. Claudius Quinquiralis was himself an officinatores of the same domina, from the time she called herself Domitia Lucilla (before 145) almost until her death after 155. If Mercurius, Epagathus, and the other slaves were workshop managers, they could have been appointed either by the domina or by Tib. Claudius Quinquiralis. In the latter case, the slaves were either the agents or the subagents of Tib. Claudius Quinquiralis, depending on his legal relationship with the domina (independent contractor or business manager).

As Helen points out, dominii and officinae formed two mutually exclusive groups, in the sense that officinae rarely became dominii. The nature of the relationship between the two groups is difficult to establish. Were officinatores agents of the dominii of the land where the figilae were located, or were they lessees of the brick-

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28 LSO 778-833. Cf. also M. Steiny, PW Suppl. 15 (1978) cols. 1498-1500, who remarks that decorative seals (signa), which tend to supersede the stamps in the early third century, remained with the figilae/officialae and were not kept either by the dominus or by the officinator. One can consider that they were part of the workshop equipment (instrumentum). Cf. Chapter Two.

29 CIL XV 1077a and 1078 (LSO 836-837).

30 CIL XV 1073-1076 (LSO 833-835).

31 CIL XV 1069a and b (LSO 827-828); and CIL XV 1071b (LSO 831).

32 CIL XV 1072 (LSO 832), unless AB CL QVIN should be read AB(ascantur) CL(aud) QVIN(t). The use of the preposition ab is common.

33 T. Helen (1975) 91. The same author cites (p. 131) as a noticeable exception one Verrucius Successus, who was known as officinator of the figilae Temporinae owned by Calpurnia Secunda (M. Steiny, AAR 17 [1974] 96, no. 4) before becoming the owner of the brickyard (CIL XV 1518-1526); cf. P. Setälä (1977) 202-03. Other cases are mentioned by Helen, who rightly points out that the names might refer to homonymous people; cf. P. Setälä (1977) 50; and 140-41. Cf. also M. Steiny, PW Suppl. 15 (1978) col. 1313, who reports that one C. Sathrinus was the officinator of the figilae Mercurinai in the first century A.D. , and that a stamp (C 372) identifies one C. Sathrinus Priscus as dominus of unspecified figilae.
yards, including clay beds and workshops? In spite of the fact that some families of officinatores were involved in the brick industry for generations—the C. Calpetani are attested “in unbroken series” from the early first century A.D. to the beginning of the third century39—there is little evidence that officinae were owned by officinatores. As a result of long-term undisturbed possession, they might have owned the facilities (building(s) and/or the kiln), while renting the clay beds or contracting for some work to be done.40

In some cases, there is no doubt that officinatores were appointed business managers. The slave Earkinus, who signed bricks and tiles in his capacity of actor of Lucilla Veri,41 appears on other stamps as an agent of Domitia Lucilla or working in the brickyard owned by his mistress (Domitia P.F. Lucilla Minor, known both as Domitia Lucilla and Lucilla Veri).42 One should perhaps also count as actor one Glyptus who signed his products EX FIG Q CASS CAECIL. SALAR / AGIT GLYPT CALP.43 A more puzzling instance is provided by the stamps of Primus, slave p(raep)stitus (?) of C. Nunnidius Fortunatus, an officinae otherwise well-known at Ostia.44 Although the abbreviation PP for praepositus is well attested in Latin inscriptions,45 the stamp would be unique in specifying the nature of the appointment. In addition, part of the text may be missing. In any case, even though Primus is likely to have been an insitator, we do not know who was the owner of the land where the brickyard was located: C. Nunnidius Fortunatus is a likely candidate. Finally, a few stamps record that the brick/tile was made “sub cura alicius,” which possibly refers to the activity of a curato, or of a business manager, such as a silicus.46

There are other cases where the relationship between landowner and entrepreneur was undoubtedly contractual. In one stamp, the last part of the first line refers to a conducor (Cethes?) to whom an officinatio (Trophimas) was subordinated. Trophimas may have been the business manager of Cethes (?), but the relationship between dominus (the emperor) and conducor (Cethes ?) was defined by the law of hire and lease.47 Conductores are mentioned in a few other stamps.48 In the Tabula Veletensis (Trajanic), the “fundus Iulianus” is pledged “cum figuris et colonis VIII.” The text does not say, however, that each of the nine tenants attached to the estate was in charge of one unit of production, and the type of management of the brickyard remains unknown.49


CIL X 563; and 1434-1438 (Hadraniat). Cf. M. Steinby, PW Suppl. 15 (1978) col. 1501. For curatores supervising the production of stamped material, compare with fistula stamps, cf. C. Bruun, The Water Supply of Ancient Rome. A Study of Roman Imperial Administration (Helsinki 1991). “Sub cura alicius” is used with regard to the management of an agricultural estate by Scavena (17 dig.) Dig. 32.35.1. One officinatio of the figilae Subpectinae, who was identified as a member of the gens Vilia, could in fact be a silicus. Cf. CIL XV 560 (A.D. 123): APR ET PAE COS / EX FAV ALEX S; CIL XV 561: VILLI I ALEXANDRI SVLPVICES; CIL XV 562 (A.D. 134): SERVIANO III COS / EX F VII AVG SVLPIC; CIL XV 593 (Hadraniat); C VILLI GRES SVL, and S. 10 (A.D. 134): BRVITAN EX FIG / T SEVERI EX PR / NON IVL SER / VII VLP P.


CIL VX 545 (= LSO 477-480): EX FIGILINI CAESARI CON MARCI L <O> / PYRAM SUBORTANI. In a later period, Marcus Pyrumus took over the production on the estate of Titia Quarrilla (CIL XV 1478), for whom another enoecator, Dominus Iulianus, worked in the same year (125) (CIL XV 1477); cf. P. Settala (1977) 192-93. Cf. also CIL VX 542; 543: DE FIG PEDANIES QVIN- TILLA CONDV / C LABERIVS ZOSIMIV; 761 (= ILS 8663): OPVS DOLIARE EX PRAEDIS D N EX C/ONDVC PVBLCIAE QVINTVNT; CIL XI 6663 (8105 - ILS 8666, Viciprius): EX PREDIS L AELI VERI FIGILINI/S MARTINIANAS Q / YOLVI S NIT DICI CONDV/CTORIS; and T. Helen (1975) 97; and 132, n. 2.

Officinares may have been independent from dominus, because quite a few officinares are attested in stamps of more than one dominus. It can be argued, however, that these officinares were transferred from one brickyard to the other, or that they were active as managers of several workshops at the same time. The flexibility of the job market, combined with the chances of transfer of property, should account for most of these movements.

M. Steinby points out that the stamps were no labels of quality, and suggests that they contained an abridged version of the contract binding officinares and dominus: the legal relationship between the two parties would have been based on a contract of work (locatio conductio operis faciendi), as the reference to opus doliare (or opus figilina) suggests. Accordingly, the stamps list the names of the parties, the object of the contract (opus), and the place where the work was supposed to be carried out (figilinae). This ingenious interpretation of the stamps, however, meets two difficulties. First, one necessary element of the contract, i.e. the monetary compensation (merces) agreed upon by the parties, is always missing from the stamps. Second, the contract of work has the locator (= dominus) placing out a job to be done, namely the production of building material, supplying the conductor/Redemptor (= officinator) with the basic raw material (clay, perhaps also water and firewood), and paying the merces to the entrepreneur. The finished products belonged to the dominus, and this explains why the products of several figilinae owned by the same dominus are regularly found together as part of the same building. It seems, however, that it was common in the brick and tile industry for the dominus to also own the means of production, i.e. the brickyard, composed of drying sheds, kilns, and temporary storage space. This is illustrated by the phrase EX FIG + name in the genitive case, provided that the term figilinae represents more than the clay bed. Thus, the contract between dominus and officinator resembles a labor contract (locatio conductio operarum), whereby the officinator provided no more than his technical and managerial skills. The difference between labor contract and contract of work depended on the degree of control that the dominus wanted to exercise over the manufacturing process, and how much insight he had in the good management of the brickyard. It should be noted, however, that a labor contract was excluded when the officinator was called a conductor in the stamps (cf. above), because, in labor contracts, the conductor is the party who hires the services (operas) of the officinator (= locator). One could also argue that the contract between dominus and officinator was a locatio conductio rei, the object of the contract being the figilinae, i.e. the brickyard including the means of production and the clay beds. In that case, the finished products belonged to the officinator, and the dominus had no interest and no say in the management of the brickyard. In conclusion, if the stamps indeed reflect a contract of work, as Steinby suggests, the officinator should be seen as providing the means of production, which he either owned or leased from the dominus under a separate contract. Alternatively, ownership of the finished products by the dominus may point toward direct management, the officinator being appointed to the management of the brickyard, either as a dependent or as an employee of the dominus. Some practical examples will be examined in the section on amphorae.

According to Steinby, brick and tile stamps were meant to permit a comparison between the levels of production of several officinae operating side-by-side. The consular date and the name of the officinator would have enabled the dominus to ascertain the yearly production achieved in each workshop. We know that a single worker was able to produce more than 220 tiles a day. This quantity must have represented the minimum daily requirement at a tiley near Siscia (Upper Pannonia). A team of four brickmakers, who perhaps worked in the same managerial unit (hence the sum of the total production at the end of the account), recorded their daily production on a...
tile. On one particular day, all workers produced the same number of tiles, but such homogeneity in productivity was not always achieved. In another similar document, two workers out of four failed to meet the assigned quota. While Artemas is recorded as missing 21 tiles to achieve the minimum requirement (MIN XXI), Iustinus produced only 137 tiles. The lack of any explicit account for his shortcoming suggests that he may have been working part-time. In any case, considering the quantity of bricks or tiles produced by a workshop of similar size, it is difficult to see how the stamps, which do not appear on all products, would have facilitated the yearly accounting.

The suggestion that the stamps served a legal purpose can be pressed further. Not only domini, but also consumers had an interest in keeping track of the origin of the production, especially if the manufacturer/supplier was a dependent of the landowner. The practice of stamping could have been imposed, in an indirect way, of course, on the manufacturer by the customer with the idea that sloppy quality of the product would entail a civil suit (actio empti, insitio, etc.) to be brought against the officinatio, if he was an independent entrepreneur or a contractual business manager, or against the landowner if he was the principal of the officinatio. The identification on the product of the people responsible for its quality was an important guarantee. It does not preclude us from considering the practice of stamping tiles and bricks as reflecting a bilateral arrangement between dominus and officinatio, whereby the dominus would have been compelled to accept civil liability for the quality of the product and for the fulfillment of any contract concluded between the officinatio and a third contracting party, while retaining control over the production and its proceeds. Landowners, manufacturers, and consumers were all likely to benefit from such an arrangement.

It is clear from the evidence discussed above that it is impossible to select one mode of production as more common than the other. Officinatores were at times tenants, contractors, usufructuary, or business managers. Nothing compelled the domini to stick to one system of management, as J. Andreau remarks:

la facilité avec laquelle un propriétaire pouvait passer de l’exploitation directe (médiatisée par la présence de siliqua) au fermage, ou du fermage à l’exploitation directe, aide à comprendre pourquoi les textes et les inscriptions (qu’il s’agisse de terres, de commerce ou de fabrication de briques et tuiles) s’abstiennent de définir les divers rôles en présence... Et les marques de briques de la région romaine sont régiées de telle sorte qu’il est possible de les interpréter, soit en termes de fermage et de rente foncière, soit en termes d’entreprises directes et de profits industriels.\footnote{111}

Even though the nature of the extant evidence does not provide a clear picture of the organization of the Roman brick industry, it is worth noticing that the variety of patterns of production proposed by Andreau is well documented in fifteenth-century England. Then, brickyards were either permanent, semi-permanent, or temporary, privately or publicly owned, and operated by corporations that sometimes owned the kiln but not the brickyard. Various types of management are attested.\footnote{112} In Hull in 1422-1423, one John Drinkdale was employed, perhaps on a contractual basis, by a public corporation that operated the municipal brickyard. Drinkdale is known to have been assisted by other employees (servientes suis). Firing was, however, entrusted to an independent worker, Willelmo Scotter ("pro combustione dictatum ustinarum in grosso liis. iiii"). Scotter unfortunately spoiled a batch and was replaced by one Robert Puttock, a more experienced brickmaker, who ultimately

\footnote{111} J. Andreau, "Les financiers romains entre la ville et la campagne," in L’origine des richesses dépensées (Aix-en-Provence 1985) 177-96, esp. 186; cf. also idem, Annales (ESC) 37 (1982) 923-25, esp. 924: "Les relations économiques entre le propriétaire et le deuxième homme ont certes ébranlé plusieurs formes, et non pas une seule, comme le croit Helen, et comme l’ont cru presque tous les spécialistes d’égarder foliaire. A similar view is adopted by J.P. Bodel, Roman Brick Stamps in the Kelsey Museum (Ann Arbor 1963) 3-4. In a personal letter, Prof. Bodel remarks that "the stamps must have served a specific purpose for whomsoever they were intended. Rather, if [the ability of the dominus to switch from one system to the other] explains why so many diverse modern models can fit most of the evidence, and why none fits all of it."

took over the entire operation of the brickyard, with the assistance of Drinkdall.\footnote{113} A mixed system is also attested in tilemaking in a manorial context. Some court rolls (componi) record the yearly rents paid in cash and in kind by lessees (5-12 year contracts) to the bailiff in charge of the manorial tile kiln of Moulsham (Chelmsford, Essex), owned by Westminster Abbey and active since 1373 (until the 16th century). From 1427 on, the bailiff's accounts always list the same entry with the name of "John Scheryng," which suggests that the tileyard was operated by the agents of one family.\footnote{114}

c. figiniae and officinae

One of the most important contributions made by Helen bears on the meaning of figiniae.\footnote{115} Helen notes that the word figiniae (or praedicto in the second century) is often accompanied by an adjective, for instance figiniae Martenii or Domitianae. The same adjectives can be found qualifying other words, such as opus (dolare) or tegula. Such combinations (noun + adjective) allow identification of the geographical origin of the clay, an important factor in establishing the quality of the product. Thus, the name of the figiniae would have served as "quality mark," whereas the names of the dominus and officinarne would have served as "trademark." Both terms are admittedly inadequate in a Roman context, because the products of the same figiniae could be, and are known to have been, of varying qualities, and because the authenticity of craftsmanship was not protected by law.\footnote{116} Quality marks do not provide any information ipso facto concerning the owner, unless a name in the genitive form is appended to it, which is not attested before the second century A.D. Thus, the figiniae Caesarianae, which were located on the left bank of the Tiber near Orte, are known to have been owned first by Plotia Isaurica, C. Curialius Cosanus, and perhaps Arria Fadilla, then by the last two mentioned and Ti. Tutilius Sentius Satrinus, and finally by the son (the future Antoninus Pius) and the daughter of Arria Fadilla.\footnote{117} Although it would be normal to think of a partnership,\footnote{118} this evidence may also suggest that the figiniae were owned pro parte by the owners of adjacent estates. This can be verified through the study of the chemical and mineralogical composition of the clay by a method using wavelength-dispersive X-ray fluorescence. The conclusions from a study of the material found in the Villa of the Quintili (Villa Appia, Antonine period) indicate that the products of the same figiniae stamped by different dominus have the same chemical composition.\footnote{119}

On the other hand, a single dominus/dominia may have owned more than one clay bed/brickyard at the same time: between 115 and 141 Flavia Seia Isaurica owned the figiniae Aristianae, Fabiani, Caesarianae, Pubiliana, Tonnianae and Turioe.\footnote{120} which were located on separate estates. Consequently, Helen concludes that the word figiniae does not represent a unit of production, but a clay district, by contrast with officina which represents the actual unit of production.\footnote{121}


\footnote{115} T. Helen (1975) 33-88.

\footnote{116} The scope of the Roman law of forgery did not include trademarks, cf. F. Mariano, "Appunti sulla falsificazione del marchio nel diritto romano," *ZRG* 105 (1988) 77-75.

\footnote{117} S. 239 (and pp. 13-16). Cf. M. Steiby, *RCAR* 84 (1974-1975) 30-33; T. Helen (1975) 76-82, following H. Bloch; and P. Setaila (1977) 62-64; and 260. M. Steiby draws my attention to the fact that Arria Fadilla took over from Plotia Isaurica, and that the figiniae Caesarianae had only two owners.

\footnote{118} Partnerships, either of dominus or of officinae, are well attested, cf. T. Helen (1975) 113-15, with reference to *CIL* XV 88-89; 205; 363; 367; 370; 626; 1079; 1147; 2174; 833; and 69 (- 286). In the case of itineraries of officinae, the partners were often members of the same household, sometimes married couples or fellow slaves. The officinarne could also be a slave jointly owned by two or more people.\footnote{119} M. Olesve, "Archeologia e archiepiteria dei laterizi bollati urbani: primi risultati e prospettive di ricerca," in W.V. Harris (ed.), *The Inscribed Economy* (1993) 121-28, comparing the products of the figiniae Domitianae (minores and maiores) and those owned by the Domitii.

\footnote{120} T. Helen (1975) 57, with reference to *CIL* XV 11-12; 207-210; 421; 651; and 674. Cf. P. Setaila (1977) 119-21, with additional references.

\footnote{121} T. Helen (1975) 73 acknowledges the difficulty to fit such stamps as *CIL* XV 1063 in his theory: OP DOL EX F DOM LVC EX / FIG QVARTIONIS where Quirrio, who is evidently a slave of Domitia Lucilla (cf. *CIL* XV 1064 - LSO 821; EX FIGINIS LVCILLAEAS / QVARTIONIS; and M. Steiby, *MRC* 17 [1974] 101, no. 9; QVARTIONIS OPVS FIG / EX PR DOM LVC), seems to have "owned" the figiniae. Unless Quirrio was granted at one point the possession of the figiniae as part of his peculium, one should accept Helen's suggestion that we are dealing with a maker's mistake or that the figiniae "gradually assumed the meaning of officina," cf. also F. Mayet, *REA* 88 (1986) 263-305. Helen (op. cit. 37) mistakenly states that the word figiniae is found only in brick stamps, and never on other clay artifacts. In fact, the word is also used in amphora stamps (cf. below, Callender's catalogues 6, 7, and 9 and Mayet). According to Dressel (*CIL* XV, p. 4), figiniae
The word *figilae* is commonly used in the plural to designate a
clay district and could include several *officinae*, in the same way as
an estate could be composed of several *fundii*. Perhaps as a result of
the reform of the imperial sector of the brick industry by the emperor
Aurelian (270-275), the terminology changed in the late third and
early fourth centuries. *Figilae* were called *officinae*, while earlier
*officinae* became *stationes*. The new *officinae* were directed by a
*magister*, which lead M. Steinby to suggest that second-century
A.D. *figilae* were more than clay districts, and should be considered
as an administrative unit directed by the *officinarius*.

F. Mayet, however, suggests that a single *officina* could be
attached to more than one brickyard. As this author provides no
evidence to support her statement, we have to guess that she probably
means that the same *officinatores*—or at least the bearers of the
same name—appear in stamps connected with various brickyards or
in conjunction with several *domini*. It cannot be established, howev-
er, that all the stamps referring to such *officinatores* had been
produced simultaneously, and it could be argued that some *officin-
atores* were undoubtedly big entrepreneurs who could contract with
several landowners at the same time, the actual management of the
production being left to agents or foremen. In any case, there is no
cogent evidence of one *officina* spreading over more than one clay
district at the same time.

3. The organization of the industry

a. subsidiary workshops

In Italy, the evidence for subsidiary workshops is scarce. M.
Rostovtzeff reports that the important industrial complex of Vibia
are production units divided into several *officinae* (similarity with the organization
of the mint, cf. *CIL* XIV 1878 and below, Chapter Five).

122 *CIL* XV 1712: DE STATIONE SVRENTINI. In some *officinae*, up to 8
*stationes* are attested, cf. *CIL* XV 549; 1549; 1567; 1568; 1559; 1511 (*stationes* V-VI
are never attested); M. Steinby, *PW* Suppl. 15 (1978) 1502; and *edem*, *SRIT* II
(1986) 110; 117-18; and 156-57.

123 *CIL* XV 1612 (Constantinian): EX OFF IOVIA MAG VITALIANI: S
614: FORTVNAVSVS SVREVIANI MAG; and S 615 (= *CIL* XV 1710): MAR
TVINS SVREVIANI MAG. M. Steinby, *SRIT* II (1986) 125-26; and 150. A new
brick stamp from Lower Pannonia, dated to the time of Valentinian I, reads
CABALLYVM MARINIANO / VRSICINO MAGISTRO (*AE* 1908, no. 939).


Pansa in Northern Italy seems to have had a branch near Ter-
geste. A better example is provided by one A. Decius Alpinus
who produced bricks, tiles, and hypocaust pipes in Gaul under the
reign of Antoninus Pius, and who was perhaps related to Q. Decius
Alpinus, *quaetor vir* in Vienna and *curator* of the *nautae* of the *Lacus
Lemanus*. A. Decius Alpinus started his activity near Vienna. His
stamps, bearing his name alone, are found in the Hautes-Alpes.
At some point, he had his slave Clarianus as an assistant or agent.
The stamps read first CLARIANVS / A DECI ALPINI or CLA
RIANVM ADA. Later on, the name of Alpinus disappears, and the
stamps read CLARIANVS. In the middle of the second century, the
prosperity of his business induced Clarianus to open a subsidiary
workshop near Vaison, where the stamps read CLARIANA. The
distribution of Clarianus’s products covered the Rhône valley from
the Jura to the Bouches-du-Rhône. By comparison, it can be demonstrated through petrological
studies that branches were also established by prosperous entre-
preneurs in medieval England: the owner(s) of a tileyard located in
the Severn Valley established a subsidiary kiln at some distance, per-
haps on a temporary basis, to supply some Welsh sites, as a variant
for itinerant industry.

b. influence of negotiatores upon the production

Another interesting feature of the medieval brick industry consists
in the role of architects in controlling brick production, by commis-
sioning specific types of bricks and by sometimes cutting their own
moulds. One can wonder whether it should not be informative to
look at the Roman brick and tile industry from the demand side as
well as from the supply side. Such an approach could provide an

126 M. Rostovtzeff, *SEHRE* (1957) 611, n. 26, with references.

127 *CIL* XII 5679, nos. 19-25; and *CIL* XIII 12721-12724. Cf. M. Verguet,
"La marque de Clarianus sur briques, tuiles et tuyaux d’hypocauste. Époque des

Tile Seminar in November 1978.

129 Brickmaking on order is the subject of Juvencus’s response (11 sp. 18)
18.1.65: "Convenit mihi tecum, ut certum numerum tegularum mihi darea certo
precio quod ut faceres: ute rem poto sit locatio? respondet, si meo fundo tegu-
las tibi factas ut darem convenit, empionem puto esse, non conductionem: to
tiens conum conductio alius rei est, quotiens materia, in qua aliquid praestatur, in
eodem manet etiam manet, quotiens vero et immutatur et alienatur, empionem magis
quando locatio intellegi debet." For parallels in the building industry and others, cf.
explanation for a series of stamps referring to a neg(otiatar) or ne-
g(otiatarix), which perhaps imply that the officinar was also in charge of the distribution, or was an agent of the distributor. For instance, Aemilia Severa, who was the owner of the figilaeae Pabiliianae in the Severan period, entrusted the operation of the officina to a female negotiatarix named Iunia Antonia. The stamp, however, provides no information about the nature of the relationship between domina and negotiatarix, and it is not even sure that the latter was directly involved in the process of production. We will see further on how traders sometimes tried to control in the manufacturing process of amphorae.

Helen argues that often manufacturers and consumers had no contact with each other. The basis for this assertion is that some buildings contained stamps from several workshops and that the products of one workshop could be disseminated over a very wide area comprising sometimes two or more provinces. This view implies the existence of a complex system of distribution, probably organized by private negotiatores.

There is almost no evidence about channels of distribution of building material. In spite of the high cost of transportation, heavy artifacts, such as bricks, tiles, and mortaria manufactured in Northern Italy were distributed all over Dalmatia. Roman bricks and tiles are also found in Northern Africa. It is possible that building material was used as ballast on ships, which explains why the distribution of Italian building material remained mostly limited to coastal areas. However, the high stowage factor (or low cargo density) of clay artifacts probably made their use as ballast less appealing to shippers, provided, of course, that other options were available to them. Occasionally, second-century A.D. shipwrecks (Ile de Frioule, near Marseilles, or off Cape Andreas, Cyprus) reveal that tiles could form the only cargo, although mixed cargoes were the rule. An alternative explanation could lie in the economic situation in Central Italy in the late second century A.D.; the combination of a declining demand for building material in Rome and a lingering agricultural crisis compelled landowners and manufacturers to keep the brick and tile production at its previous level and to export it to more distant markets in order to avoid bankruptcy. This remedy had a limited, temporary effect, and the area where bricks and tiles used to be produced nevertheless witnessed the gradual abandonment of villae. Ultimately, only the emperors and those who were close to the imperial family were strong enough to continue their industrial activity.

c. municipal and military factories

Private landowners and the imperial family were not the only ones to own and operate brickyards. There is some evidence, both epigraphical and ethnoarchaeological, that some towns signed bricks and tiles produced in public workshops. The exploitation of these workshops was let by municipal magistrates (duoviri or curatores) to an entrepreneur (manuscript, conductor, or redemptor) with a five-year contract, like other state or municipal contracts. Alternatively, the management could be entrusted to an agent (public usicious, actor, or

S.M. Martin, The Roman Jurists and the Organisation of Private Building in the Late Republic and Early Empire (Bristol 1989) 35-38.

130 CIL XV 419-420 (= ILS 862a-c); 430-432; 649; 879; and S 105. Cf. T. Helen (1975) 92 and 131, n. 7 (with reference to Shtaerman [1964] 82). All such stamps are dated to the Severan period. Cf. P. Seiès (1975) 30; 123; and 154. M. Steinby, "La diffusione dell' opus diorato urbano," SRPS II (1981) 237-45, esp. 239 thinks that the references to negotiatores, herrea, and poros in the stamps point toward the existence of a well organized trade, although she admits that the relationship between production and distribution is unclear.

131 CIL XV 430 (= LSO 399): OP DOL EX FIG PBV DE PR AEM SEVE / NEG INIAE ANTONIÆ.


134 M. Steinby, PW Suppl. 15 (1978) col. 1493; edem, SRPS II (1981) 243. The majority (7/10) of the stamps on Roman material found outside Italy is post-Trajanic. Cf. also R. Tomber, "Evidence for Long-distance Commerce: Imported Bricks and Tiles at Carthage," RGRF 25/26 (1987) 161-74, who concludes, on the basis of unstamped material from Carthage submitted to petrological analysis, that ballast was often made of saleable cargo, with a greater resale value than sand or stone.

135 S. McGrail, "The Shipment of Traded Goods and of Ballast in Antiquity," OXJ 8 (1989) 33-58, with a table of comparative stowage factors (356) of goods commonly transported by ship (does not include bricks); tiles have a much higher stowage factor (2.13-2.27 m³/tonne) than, for instance, tin ingots (0.22-0.28), sand (0.53-0.55), water (1.00), and, surprisingly, even earthenware in crates (1.70-2.13).


138 D.P.S. Peacock, EJ 86 (1982) 150-51, citing examples from England. Compare with the production of lead pipes in municipal workshops, cf. CIL XV 725a-b (Rome = ILS 865a-b); CIL XI 315a-b (Falerium); Nat. Soc. 1894, p. 408 (Canusium); CIL IX 343 (Canusium); CIL XI 3817 (Vei) (= ILS 8702-8704).
insititot), assisted by a team of public servants (familia publica), private slaves, or hired employees. The coexistence of these two systems of management is attested in other areas of public administration, and will be discussed in the following chapter.

Finally, there is some evidence that the Roman army was also producing building material on its own. Many stamps show the number of the legion or the signature of the fleet to which the workshop was attached. A couple of inscriptions shed some light on the organization of the production. At Dobreta (Dacia) in the first half of the third century A.D., a soldier attached to the first cohort of archers was the manager (magister) of a military workshop in which sixty soldiers were employed. Another magister figuratorum is recorded at Holdeurn (Holland).

Military workshops could be staffed with outsiders, in some cases civilians. A stamp of the third or fourth century found near Krefeld in Germany shows that the works were located outside the military camp, in the castrum. The civilian who signed the tile was perhaps an agent hired by the army or a worker (imperial slave or mercenarius) acting under military supervision. The army may have occasionally sold surpluses of building material to civilians, or to veterans or soldiers investing their savings in real estate. It has been argued, however, that military workshops did not produce more than what was needed by the army, as logistical officers preferred to rely on private enterprise. Military production occurred mostly in the period immediately following the establishment of a military unit in a non-Romanized area, and probably declined with the arrival of civilian producers and traders. The competition between the army and private producers for the military market must have been only occasional and temporary. Sales were probably made by the officer or the agent in charge of the workshop(s), or by some higher officer in charge of logistics. The legal situation of the manager was similar to that of representatives of the Roman state or municipal administration. This aspect will be examined in the following chapter. The phenomenon described above, whereby the military took over functions usually reserved to civilians, became important at the beginning of the third century. Where private entrepreneurs would have employed insititores as managers of a workshop (officina), the Roman army appointed officers as praepositi and magistri.

4. Conclusion

Second-century A.D. brick stamps from the region of Rome can be used as evidence for the study of the organization of the brick and tile industry. Owners of clay beds/brickyards (figilinas), and operators of the units of production (officinae) are well represented. The first group (domini) included many members of the upper classes, which is not surprising considering the proximity of the capital. By tradition and by law, the senatorial order invested heavily in Italian land. The picture could be fairly different in other parts of Italy, but the connection of the brick industry with the villa economy would make it a typical preserve of the upper classes. The evidence concerning the production of the figilinas Panouncing in Northern Italy points toward the same situation. The second group (officinatores) was composed of people of lower status than domini. It is unclear whether or not officinatores were personally and physically involved in the process of manufacturing. The nature of the relationship between

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139 Usually, the stamps do not provide any clue about the system of management of the officinae, cf. CIL XIV 4090, no. 1: REI PVB<CI ICAE / TVSCVLANOR[um]. Cf. also CIL XV 7; and CIL XI 6675, no. 1 (Arretium): [R] P COL FID. A municipal curato oversaw the production of tiles or bricks needed to repair some public building, cf. CIL XIV 4091, no. 9; and CIL XV 2237 (Praeneste): C. VOLVNTILIVS Q. F VARVS / IVIRITITER[um] GVIR(ator) AED(ri)um SAC(rarum).

140 Cf. for instance, CIL III 6489 and 11349 (near Lauriacum/Noricum): FIGVLINAVES VESVIANAS LEG(io) I NOR(icae). Compare with the production of lead pipes in workshops operated by praetorian guards, cf. CIL XV 7237; 7240, 7242; 7244-7245 (= ILS 8697-8700).

141 D.P.S. Peacock (1982) 143, citing M. Macara, "Note au sujet des briqueteries en Dacie." Dacia 11-12 (1947) 275-80 (non vidi). AE 1939, no. 19 (= IDR II 107): "Aurelius Mececeius milis coh-or-jetus sagrit[arum] in / figilinus magis/ ter super milites L.X. scripsit / Aurelius Julianus / milis coh-or-jetus prima(ce)." The editor of IDR points out that the figure in line 6 might be IX and translates it as if he had read XX. This inscription is therefore poor evidence for the size of the workshop.


tween officinatores and domini remains most of the time elusive. The stamps possibly contain an abridged version of the contract established between dominus and officinator regarding the production. The type of contract depended on who owned the means of production, and who kept the finished products. The three forms of locatio conductio (operis faciendi, operarum, and rei) seem to have been used. The presence of women among officinatores does not preclude the possibility that they were commonly supervising the work, as contractors or agents of the dominii.

Wholesale traders, or even architects, may have had a hand in the brick industry in the same way as traders and shippers may have controlled the production of amphorae (cf. below). Conversely, there is some evidence that building contractors were relying on several suppliers for the construction of one building. The group of dominii need not be homogeneous, and various combinations are possible.

The building activity of municipalities and the Roman army during the Principate resulted in the involvement of representatives or units of these collectivities in the brick industry. The organization of brickyards under municipal, state, or military control does not seem to have differed from private ones.

C. AMPHORAE

The production and distribution of amphorae involve problems which are substantially different from those raised in connection with the other types of clay artifacts studied in this chapter, because, as containers of wines, oil and olives, fish sauces and salted fish, fruits, vegetables, honey, ointments and medical products, occasionally grains, and even refined clay, their marketing value and trade patterns were accessory to, and therefore determined by, that of their content.  

1. Amphorae as products and containers

The typological classification established by Dressel in his edition of CIL XV (2.1) in 1899 and constantly refined since then is of primary importance for historians of the Roman economy, because it allows them to determine, with variable degrees of probability, the provenance, date, and content of amphorae independently from the existence, preservation, and legibility of inscriptions usually uncovered on them. For instance, Dr. 1 amphorae are known to have been made in Central Italy during the last century of the Republican period and to have been filled with Italian wine. Unfortunately, our understanding of the organization of the amphora industry and trade, and of the people involved in it did not benefit much from the progress accomplished in the study of amphora types. However, some names can be associated on more secure grounds with the production and trade of some amphora-borne commodities, although the hypothesis that a certain type of amphora always contained the same commodity is not proven, but constitutes only a likely working hypothesis.

Amphorae were meant to be discarded after being emptied of their original content, but it often happened that they were reused for the storage or transport of different commodities. Amphorae are often associated with retail trade, and for the storage or bulk packaging of amphora-borne commodities other kinds of containers, such as clay jars (dolia), leather containers, and wooden barrels are thought to have been commonly used in the early Empire. The first of these three categories may be used to supplement the epi-


A. Tchernia, Le vin de l’Italie romaine (Rome 1986) 42-47 dates the beginning of their production between 145 and 135 B.C.

A. Tchernia, JS (Oct.-Dec. 1967) 226 considers this assumption an “a priori logique” and an “hypothèse de travail vraisemblable.”

J. van der Werff, “Sekundäre Graffiti auf römischen Amphoren,” AKB 19 (1963) 361-76, points out that secondary graffiti on oil amphorae (Dr. 20 from Baetica, ca. 160 BC; and Pölich et al. 47 from Southern Gaul, ca. 71-194) found in Gaul and in Germania (CIL XIII 10003, nos. 18-151) can be interpreted as evidence for the reuse of containers in the context of local trade. The secondary content (wheat, flour, or beans) seems to have been measured in modii/sextarii (instead of librae), hence the discrepancy between the figures recorded in primary (tituli picti, cf. below) and secondary graffiti, respectively.
graphical evidence preserved on amphorae. One should keep in mind, however, that *dolia* were used longer than amphorae, and had a different purpose. They were not always meant to circulate, as they were used as equipment for wine-making. They can be used, however, to illustrate the relationship between the people who made them and those who used them, provided that these two categories did not necessarily overlap.

These preliminary remarks should serve as a reminder that the production and distribution of amphorae differ from other clay artifacts: after the first stage of manufacture, the container was filled and became accessory to its content, a fact that can be expected to bear on the organization of the amphora industry. The production of the containers, and the relationship between the person in charge of this process with the people who filled, transported, and distributed them at a later stage, will be the main focus of this section.

The production of amphorae is archaeologically documented by the refuse found in the vicinity of excavated kilns. This type of evidence, however, tells little about the actual organization of the manufacturing process. The Roman jurists incidentally touch upon the subject of packaging, in particular when they try to determine who should supply individual items of farm equipment, but they have little to say about personnel. Therefore, the study of the organization of the production, use, and distribution of amphorae is based mainly on the examination of three categories of inscriptions preserved on various parts of the amphora (or *dolium*). The first category is made of stamps (signatures) located on or below the rim, on the neck, handle or spike; the second category is made of painted inscriptions (*tituli picti*) drawn on the body; and the third category consists of marks impressed on the stoppers. Those three types of inscriptions correspond to various moments in the life of an amphora.

2. Stamped signatures: the making of the container

a. Types of signatures

The stamp (signature) was impressed in the clay before firing and therefore is probably connected with the process of manufacturing the container, regardless of its future content and destination. M.H. Callender analyzes the signatures preserved on amphorae with regard to their social significance and distinguishes thirteen different types of signatures:

1) imperial stamps, displaying the abbreviated name of an emperor or just an imperial title (IMP), and often including the name of a slave (e.g., Callender, no. 1810f: IMPE VECT ANCHA and no. 1810g: IMP CLYME), whom Callender identifies as the *vilicus* in charge of the estate where the amphora was made or used;

2) senatorial stamps, consisting of the *tria nomina* of a known member of the senatorial order;

3) *tria nomina* (non-senatorial);

4) *tria nomina*, with the name of a slave or freedman, possibly a *vilicus* (e.g., Callender, no. 855: EVTSTERPS (= EVT(yches)(C) STE(R(tini))(P(aullini))(S(ervus)));

5) *tria nomina*, with a toponym;

6) *tria nomina*, with the name of a brickyard (*figlinae*) (e.g., Callender, no. 18: FIGLIN ACIRGI M S MAVRI);

7) *figlinae* (e.g., Callender, no. 637);

8) firms (partnerships);

9) firms, with a name of *figlinae*;

10) single names, written out in full, either in the nominative or in the genitive case;

11) two-letter stamps;

12) single-letter stamps;

13) symbols. 152

According to Callender, the type of the stamp is likely to have some bearing on the probable date, but the evidence provided by the stamps recorded on other clay artifacts does not seem to support this hypothesis. 153 This list suggests that, for reason of social status, some of the people whose names have been identified in amphora

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151 Celsus, quoted by Ulpianus (23 ad Sab.) Dig. 33.6.3.1: "... non quia pars sunt vini vasa, quemadmodum emblemata argenti (scyphorum forte vel speculi), sed quia credibile est mentem testantis cam esse, ut voluerit accessioni esse vino amphorae." Cf. D. Manacorda (1989) 450, n. 27.


153 A. Tchernia, JF (1967) 224-25. An exception is provided by brick and tile stamps, which can be dated on the basis of their form and content, cf. M. Steinby, PW Suppl. 15 (1978) cols. 1550-1565.
stamps were probably not involved at all, at least personally, in the physical process of manufacture. Thus, some of the stamps must represent the owners or lessees of the estate, clay bed, or workshop where a significant stage of the production took place, namely the extraction of the clay, or the whole process of manufacture of the amphora. The relationship between estate (fundus, praedatio), clay bed/brickyard (figilinae), and workshop (officina) is probably similar to the situation found in the context of the brick industry.

b. diversification and integration

The manufacturer of amphorae could be a potter who specialized in this kind of artifact and sold them to producers or traders of amphora-borne commodities. If the demand was too small or seasonal, this potter could decide to diversify his production by producing other kinds of clay artifacts, such as bricks and tiles, tableware, or lamps. Thus, his economic interests would be independent from those of the producer/trader of the commodities, to the extent that changes in the demand of amphorae, due to production crisis in agriculture or competition by other potters, could be compensated by increasing the production of other artifacts.

On the other hand, the manufacturer of amphorae could be part of a more or less integrated economic system, whereby containers and content would be produced and distributed by the same person or company. Profits and losses in one sector could compensate or absorb those of another sector. In a system plagued by manpower shortages, but also liable to important seasonal variations in employment level, integrated enterprises, within which temporary transfer of labor from one sector to the other did not affect the overall production, were undoubtedly appealing to those who had economic ambitions and the means to do business on a large scale.

In view of the hypothesis presented in the previous section concerning the role of negotiatores in the production of building material, one must consider whether amphora stamps could represent the demand side. The user would have ordered a certain number of new (empty) amphorae to be made, which he would have subsequently filled with some commodity produced, purchased, or collected by him. Because of the lack of evidence, no certainty can be reached on this point. The comparison with signatures on terra sigillata and lamps, which clearly represent the manufacturer, speaks against the latter hypothesis. In addition, the current interpretation of painted inscriptions and stopper stamps seems to preclude such an interpretation (cf. below).

Considering that the stamps refer to someone involved in the production of the containers, it is not surprising to note that the same people were possibly engaged in the production of both terra sigillata vessels and amphorae. E.L. Will points out that, despite the risk of homonymy resulting from the fact that slaves’ names were not numerous and owners’ names were rather common, similarities in letter-shapes with striking variations in size point toward the conclusion that stamps on first-century B.C. and A.D. amphorae and terra sigillata may refer to the same people. The most striking example is found at Cosa, where the Sestii stamped amphorae and terra sigillata vessels in the first century B.C. before engaging in tile-making (cf. Chapter Three) and perhaps in the production of fish sauce. The distribution of Arretine wares bearing Sestius’ marks points toward the existence of two branches, one in Rome and another one in Arezzo. A later example is that of the Umbrii

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154 D. Manacorda (1989) 450-51: “Dai dati a disposizione sembra che i nomi di ingegni che compaiono sui contenitori indichino personaggi di un livello sociale elevato, non semplici figilati, ma i proprietari (o i responsabili) delle figilinae, se non del fundus in cui queste dovessero trovarsi. Più incerto è invece l’interpretazione dei bolli con nomi servili, che talora accompagnano o sostituiscono quelli con nomi di ingegni. Si definiscono talora questi personaggi quali officinantes, con una denominazione che sembra descrivere la funzione di piuttosto che interpretarla all’interno di uno schema di rapporti giuridici ed economici.” D.P.S. Peacock - D.F. Williams (1986) 9-10 express their doubts about the interpretation of the stamp as marks of potters; “the balance of opinion at the moment is in favour of the stamps representing the estate owner rather than their subservient potters.”


156 On the Sestii, cf. Callender (1965) no. 1595; A. Oxér - H. Comfort, Corpus Vassorum Arretinorum (Bonn 1968) 5-65; G.O. Will, “The Sestii Amphoras: A Reappraisal,” JFA 6 (1979) 339-50, who mentions (348, n. 28) the find of new tiles stamped by Sestius in the Ager Cosanus, to be added to the Roman ones (CIL XV 1444-1445); D. Manacorda, “Produzione agricola, produzione ceramica e proprietari nell’Ager Cosanus nel I a.C.,” SRRS II (1981) 3-54, esp. 33-34, referring to a brick from Carthage (CIL VIII 22362, no. 80) and Rome (CIL XV 529-540; S 443; and M. Steinby, BâCAR 84 (1974-75) 87f.), and to some (Augustan or Tiberian) tile stamp of P. Sextius (= Sestius?) Quirinalis found in Luni (M. P. Rossignani, Scavi di Luni I (Rome 1977) 314, CM 5520, tav. 173, 9); and J.H. D’Arms, Commerce and Social Standing in Ancient Rome (Cambridge, MA 1981) 85-82, esp. 59, n. 81. Garum production is suggested by an isolated red painted inscription (CO SES) on an unattested Dr. 1 C amphora from the Athenian Agora (P 6879); cf. E.L. Will, JFA 6 (1979) 346-47, n. 25, fig. 5; A.M. McCann, “The Portus
Scauri, whose amphorae (Dr. 2-4, and Dr. 6 + unknown type) are attested in the Greek East from the middle of the first century B.C. Established first in the region of Pompeii, the Umbricii started diversifying their activities and expanded all over Italy, their many branches gaining fame for their Arretine wares and their varieties of fish sauce (cf. below). One can surmise that both the Settei and the Umbricii Scauri were presiding over economic concerns large enough to fill their own amphorae with their own products.

c. workshop managers

Slave names occasionally appear in the stamps, for instance in Gallender's categories (1) and (4). It is quite likely that slaves and/or hired workers were also involved in the production of amphorae bearing other types of stamps. D. Manacorda rightly suggests that, considering the scale of the production, the servile names on the stamps should represent more than mere potters. If these slave names refer to business managers (institores), Gallender's assumption that they were silici makes sense, although the scope of their praeposito might have been limited to the brickyard (figilinai) or workshop (officina) in which they operated, another silicium being in charge of the agricultural sector of the villa. It should be stressed that there is not a single amphora stamp on which the titles of silicium or actor are associated with any name, but we have seen that actores occasionally show up on tile stamps and pottery.

From a legal point of view, a silicium could be in charge of both the farmstead (agricultural sector) and the workshop (industrial sector). The staff of both units of production either belonged to a single managerial unit, or were kept separate. In the latter case, the silicium could carry out the double appointment, or delegate the management of one sector to a subagent. The scale of the production was instrumental in determining whether or not the exploitation of the figilinai should be considered as part of the villa economy, or as a separate industry attached to the fundus for practical reasons. The late-first-century-A.D. jurist Iavolenus Priscus records that the Augustan jurists Laboe and Trebatius excluded potters from the farm equipment, i.e. from the managerial unit formed by the agricultural sector of the villa, even though these potters may have been involved in agricultural work during most of the year. The Roman jurists took a stand on this issue because it was a sensitive, undecided matter, and it is not unreasonable to think that Laboe and Trebatius might have been challenged by some other legal scholar of the time.

D. Manacorda points out that in some cases the names of two slaves were found together on stamps bearing the signature of an identifiable member of the elite, one Sulpicius Galba (SVLP). Thus, in the shipwrecks of Dronten A and of S. Severa, BAC is associated with either EVTA or OPEL, and PILIP with either DAM or the figilinai.


N. Porcelli, "Wine and Wealth in Ancient Italy," JR S 75 (1985) 1-19, esp. 5, n. 18 remarks that there is little evidence showing that manufacturers of amphorae and wine producers overlapped before the first century A.D.

D. Manacorda (1989) 451, n. 34, discusses the stamps SOCRAT CRAS, representing a slave named Socrates of the Republican statesman Crassus, which are attested at Reggio Emilia, Tarentum, and Carthage. Cf. also the stamps CETESO, DASI, CATERIX, associated with the name of one Annius on amphorae from Brindisi; GORGIA, LEONTISCVS, PERDICAS, associated with the name of one Velleius; and AEN, LVC, MAR, METR, PII, who were called BEI(L)IAE (marci) S(ervi) (references in Manacorda [1989], 433, nn. 38-39). Other examples are attested all over Italy, cf. Manacorda (1989) 454 ff.

D. Manacorda (1989) 456; idem, Opus 4 (1985) 145-46, where the author points out that some slaves obviously occupied a prominent position in comparison to others whose names are also found in the stamps. The relationship could be that of a servus ordinarius (with poenitum) with respect to sociarius, or institutor/silicus with respect to the servile staff employed in the workshop.

There is the dubious case of the late-first-century-B.C. Nuxaudius Agrippae (CIL IV 6499) from the villa of Agrippa Postumus at Boscotecia, but the restoration proposed by Della Corte and accepted by Rostovtzeff seems highly questionable, as it would represent an isolated, early example of a title that is otherwise not attested before the middle of the first century A.D. Cf. Della Corte, Not. Sec. (1922) 459ff; M. Rostovtzeff, SEHR (1957) 552-53, n. 26, n. 31; and CIL IV 6995-6997, where the same name is associated with the title of ost(fin)aretur.

Cf. above, CIL X 8045, no. 12 (Asuintum/Sicily); CIL XV 1049 (Rome) = CIL X 8046, no. 5 (Sardinia); and below, CIL X 8056, no. 145 (Solutum/Sicily).

Iavolenus (2 ex post Lab.) Dig. 35.7.25.1: "Quidam cum in fundo figilinai haberet, figilarum opera manu parte amin ad opus rusticum uterbat, deinde eius fundi instrumentum legavat. Laboe/Trebatius non viderit figulos in instrumento fundi esse." A. di Porro, Sedältaevi VII (1844) 324-46 says that Laboe's and Trebatius's opinion reflects the managerial autonomy ("autonomia organizzativa" or "impreviditaria") of the figilinae from the fundus.

HERM. These stamps suggest that one of the Sulpicii owned an estate and had entrusted it to a silicus or a slave with peculium. The production of amphorae was carried out by an officinarius institor, appointed by the landowner or by the slave manager. Such a scheme was possible, in accordance with the rule stipulating that business managers were entitled to appoint a subagent as long as the principal knew and approved the appointment. Subagents are sometimes attested in the inscriptions as subvicii. The officinarius appointed by the silicus could be a vicarius of the silicus, a member of the familia rustica, or an outsider.

Amphora stamps provide some evidence about collective enterprises in amphora production. As this practice will be described in the section on terra sigillata, the discussion can be reduced here to a few remarks. A slave name followed by a gentilicium in the plural genitive (for instance, ORESTE LENTVLO(rum)) is the most simple example. D. Manacorda mentions a puzzling case of an amphora bearing two different stamps, one on each handle: (a) ORESTE LENTVLO; and (b) PHILONIC APPVLEI. A possible explanation is that both officinatores belonged to two different masters, but it is not possible to ascertain whether the partnership was set up by the domini or by the officinatores. Manacorda suggests that such a practice reflects a division of labor within the enterprise, but one could envision several workshop managers sharing responsibilities.

In most cases, one can surmise that the slaves who appear in amphora stamps were workshop managers or mere potters. The case of Tarula, Sulla's slave, whom Sallust cites together with his colleague Scythus as the main beneficiaries of the provisions, suggests that slaves attested in amphora stamps were no small fries. In this particular instance, we suspect that Tarula was a servus cum peculio whose interest in agriculture and clay industry was fairly remote, and who might appear here in the capacity of principal rather than workshop manager.

d. contractors

When the facilities were not operated by the owner himself (or herself), they were either entrusted to an agent or rented out. The latter practice is thought to be attested in some third-century A.D. papyri, the specificity of which requires a short discussion in spite of my initial commitment not to bring in papyrological evidence from Roman Egypt. In 243, two female landowners, Aurelia Leontarous and Aurelia Plousia, acting through their guardian or procurator (dipt to epitrōsou), leased a potter's workshop attached to an estate located in the village of Senepta in the Oxyrhynchite nome. The contract was made for a period of two years with one Aurelius Paisias, who was a newly enfranchised Roman.

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166 Ulpianus (29 ad ep.) Dig. 14.1.1.5 and 14.1.1.20, cf. Chapters One and Two. In both passages, the restrictions concerning institores bear on the issue of the master's knowledge and acceptance of the secondary appointment and of the extent of his liability, and not on the issue of the overall validity of the appointment of a subagent. In the second passage, the exercitor is not an institor, but a dependent with peculium. Cf. A. Kirchenbaum, Sons, Slaves and Freedmen in Roman Commerce (Jerusalem/Washington 1987) 101-03, esp. n. 48; A. Carandini, "L'economia italica fra tarda repubblica e medio impero considerata dal punto di vista di una mercato: il vino," in Amphorae romaine et histoire économique (Rome 1989) 505-21, esp. 508, following A. di Porto.
167 CIL VI 9991; CIL X 6638; and Eph. Ep. VII 1248.
169 Ulpianus (28 ad ep.) Dig. 14.1.1.13: "Si plures sint magistri non divisio officii, quocumque cum uno gestum est, obligabit exercitorem: si divisi, ut alter locando, alter exigendo, pro cuissque officio obligabitur exercitorem," provided that the rule applied to institores as well.
citizen and a professional potter from the same village. The landsladies agreed to supply the potter with facilities (including store rooms, kiln, potter's wheel, and other equipment) and raw material (including clay and firewood). The contract (ἐπιδοχή) stipulated that Aurelius Paesis would bring his own assistants and would deliver to the landsladies a certain number of pitched jars of various sizes by the early summer of each year, for which he would receive a fixed price in money and in kind (wine). The landsladies reserved the right to buy any additional container produced in the workshop. Such contracts are rarely attested before the late second century A.D. 176 It is not clear whether we are dealing in this case with

(a) a contract of lease (locatio condito rei), whereby the lessor lets the lessee use an equipped workshop for his own benefit in exchange for a fixed rent in money;

(b) a contract of work (locatio condito operis (faciendi)), whereby the landlord (locator) provides a contractor with raw material and a salary in exchange for a certain task to be performed; or

(c) a labor contract (locatio condito operarum), whereby a worker (locator) hires his services to an employer (conductor). 177 The last option seems unlikely, because the contract stipulates that the potter could produce for his own profit, in case the landsladies did not want to buy the surplus of the production. In addition, the premises were definitely under the control of the potter. Thus, Aurelius Paesis was probably a contractor rather than a contractual business manager, the landsladies having no say in the management of the enterprise.

176 P. Mert. II 76 (Oxy., 181) is a contract of lease (μισθωμας) according to which the rent was to be paid in money. The lessee rents part of a workshop from three or four joint lessors, but assumes complete responsibility for its management (lines 8–10): ... έπι διαγενες αυτος | τα δ’ αμφοτερ Ηρακλης ειτεικα μερος και την προς | παν οικονομιαν μερος ... Εγκατασταθη η τοιοτο τοις ... P. TEB. II 342 (Tebtynis, late second century) is too badly damaged to determine what category of contract the document belongs.


178 P. Oxy. L 3596 (between 219 and 253); and P. Oxy. L 3597 (A.D. 260).


180 I. Butt, Studi sulla capacità patrimoniale dei servi (Naples 1976) 74 ff and 211 ff points out that slaves could be debtors of their masters, but it is not necessarily the result of a contract between them (for instance, if someone makes a payment to the slave with peculium with the intention of paying the master).


182 P. Oxy. XXXI 2616 (after 244–249). The identification of both potters is proposed by H. Cockle, JRS 71 (1981) 92.
with exercising a supervisory role at best, or merely with providing their employees with financial support and warranty. Thus, D.J. Mattingly notes that "the fact that the stamps on Tripolitanian amphorae often seem to represent the abbreviated trina nomina of major aristocratic figures reinforces the view that rural production was dominated by the urban elite through large-scale landholdings and that they had some sort of dominant control of surplus production."\(^{183}\)

c. amphorae in the villa economy

There is some archaeological evidence for the production of amphorae as part of the villa economy. According to D.P.S. Peacock, the Tripolitanian amphorae produced at the Roman villa of Ain Scerscara in North Africa provide the first firm material evidence of a connection between agricultural exploitation and amphora manufacture. It is quite likely that a similar situation existed in many other places, in particular in Italy at Mondragone and Albinnia, in connection with brickmaking and other types of pottery production.\(^{184}\) For specifics, we have to look at some typical representatives of a class of large landowners with extended interests. Such was the case of C. Laecanius Bassus, a landowner attested in the first century A.D. in the region of Pola or Tergeste.\(^{185}\) This man is perhaps to be identified with the consul of A.D. 40 or his son (consul in 64). He is represented on Dr. 2-4 wine-amphorae and on Dr. 6 B (= Baldacci III) oil-amphorae. One workshop of his has been located at Fasana, 8 km north of Pola, where a significant deposit of amphorae has been recovered. This workshop is thought to have produced bricks, tiles, pipes, pearls (?), coarse pottery, lamps, dolia, amphorae, and stoppers.\(^{186}\)

f. main factory and subsidiary workshops

The products of the figlineae of the Laecanius Bassi raise some questions concerning the personnel employed in it. In a study of the stamps on Dr. 2-4 and Dr. 6 B (= Baldacci III) amphorae, F. Tassaux counts some twenty-nine names of slaves attached to the workshop, whom he identifies as vilici or officinares.\(^{187}\) The production did not last very long before it was taken over by the emperor, during or shortly after the reign of Nero. The transfer of property is perhaps visible in two stamps in which the same slave Clymenus is first associated with Laecanius, and then with the emperor.\(^{188}\) If one allows for a period of production of three or four decades and assumes that each of the twenty-nine slaves was successively in charge of the workshop at Fasana, the average career of a single vilicus/officinares would have been rather short in comparison with the figures provided by epitaphs of vilici (cf. Chapter Three). Should we conclude from this fact that the slaves represented on amphora stamps were potters working side-by-side in the same workshop, or instiitores in charge of one of several branch workshops active at the same time? Since F. Tassaux suggests that Laecanius took over existing workshops (for instance, those of M. Aurelius Iustus and Pollio), the dynamism of the enterprise may have called for a decentralization of the production. This hypothesis may be strengthened by the discovery of another amphora deposit at the Villa of Val Catena (near Brioni Grande), and by the find of numerous brick stamps at Pola, Tergeste, and Brioni.\(^{189}\)

g. principal and agent in the stamps

The structure of some of the stamps of C. Laecanius Bassus calls for some remarks. Along the same lines as the hypothesis presented above concerning slave nomenclature in brick and tile stamps (based


\(^{185}\) CIL V 698.


\(^{187}\) F. Tassaux, MEFR A 94 (1982) 254-57, with the list of slaves 255-56; for instance, CIL XV 3477 (Rome); CIL V, Suppl. 1077, no. 88 (Aquileia); CIL V 8112, nos. 52-53 (Vercelli); CIL III 6007, no. 5; 12010, no. 1: 14371, no. 4 (Noricum) etc. The number of slaves is not exceptional by comparison with the terra sigillata industry. The mark ERDIVS or ERDIENVIS is associated with some twenty slave names, cf. C. Zaccaria (1989) 474, with reference to P. Gardellini, Bolli laterizi e segni figurati della officina degli eridi (Rovigo 1932) (non vidi).

\(^{188}\) F. Tassaux, MEFR A 94 (1982) 260 and 262, with reference to CIL V 8112, no. 59 (Vercelli): C LAE BA / GLYMEN; and CIL V 8112, no. 6 (Vercelli): IMP / GLYMEN.

\(^{189}\) F. Tassaux, MEFR A 94 (1982) 251 and 253-54.
On Óxé’s Form IX, there is no doubt that C LAEC(anii) BAS(is) / CLARVS refers to a slave (or freedman) of C. Laecanius Bassus named Clarus, whose function was related to the manufacture of the amphora. In this stamp, the name of the principal in the genitive case unambiguously precedes the name of the slave in the nominative case. The stamp is slightly abbreviated, but the name of the principal appears in the tria nomina form. There is little doubt about the status of Clarus: he was a dependent, most likely a slave, of C. Laecanius Bassus. If the principal had been referred to in the duob nomina form in the genitive case, the stamp could have been read C(aii) LAECANI / CLARVS or C(aius) LAECANI(us) / CLARVS, in which case chances are great that he would have been identified as a freedman of C. Laecanius Bassus. Thus, some stamps found at Aquileia and in Noricum present the variants C LAEK / FELIX and C LAEK BAS / FELIX SER, and there is no cogent reason why we are to believe that these variants necessarily represent two different stages in the life of Felix. Consequently, the legal status of those involved in amphora production cannot be determined on the basis of their name, because it is theoretically possible that some of the stamps containing abbreviated tria nomina represent two persons instead of one. This hypothesis—which will be hard to verify—is attractive when the cognomen has a servile flavor and is written on a separate line.

One example will suffice to illustrate the possible implication of such an hypothesis. In a recent study of the distribution of the stamp Q NINNI / SECVNDI and its variant Q N SEC on amphorae and tiles in Cisalpine Gaul and along the Adriatic, M.-B. Carre points out that even though the gens Ninna is well known at Capua in the Republican period and in northern Samnium in the first two centuries of the Empire, not one Q. Ninnius Secundus is attested. The praenomen Quintus, however, is attested among the members of the gens and belonged to no less a figure than Q. Ninnius Hasta, the suffect consul of A.D. 88 or to his son, ordinary consul in 114 and proconsul of Africa in 128/129. The cognomen Secundus is most common among slaves and freedmen, even though it is also used by freeborn. Thus, it is theoretically possible that Secundus who signed amphorae was a dependent of the senator and was active at the end of the first century A.D. as the change from Dr. 6 to flat-bottomed type suggests. If the connection between Secundus and Q. Ninnius Hasta could be established, Secundus, whose status is uncertain and, in fact, irrelevant, could have been working as an agent (vicarius, executor, or procurator) of Q. Ninnius Hasta rather than as an independent entrepreneur (servus cum peculio or independent freedman). In my opinion, this form of stamp (Óxé, Form IX) underlines the relationship between principal and agent in the amphora industry without providing any clue about the agent’s status.

h. users of amphorae: producers or traders?

If the products of Aurelius Paesis or Claudianus had been preserved, how would they be signed? The stamp would most likely contain the name of the potter, and perhaps also the name of the landowners. In this case, the owners of the workshop would coincide with the users of the containers, and probably with the producers of the content. Considering that amphora-borne commodities (agricultural products and processed food) were sometimes transported in bulk containers, both producers of the content and distributors could have an interest in owning or renting a workshop run by a contractor or a manager. If it was possible to determine on a case-by-case basis who needed to be supplied with amphorae, the logistical aspects of amphora production and trade would be easier to grasp.

Winegrowers and producers of other staples acquired through purchase or collection the number of amphorae and doli they needed every year to store and package their production. Alternatively, the producers sold their products in bulk to wholesale traders, who would then have to acquire amphorae and fill them. Thus, the first-century A.D. jurist Proculus maintains, against Trebatius, that a...
legacy of wine included retail (vina vinaria, i.e. amphioreae + cadi) as well as bulk containers (dolia):

We fill up amphioreae and cadi with wine, and let it sit until it is tasted for consumption. And there is no doubt that this wine is sold with its container. We keep wine in dolia for a different purpose, either to fill amphioreae and cadi at a later stage or to sell it without the jars (dolias). 194

It is not clear whether Procules means a winegrower or a wine trader. Provided that production and distribution were not carried out by the same person, it seems that both producers and traders were regular customers of amphora manufacturers. Celsus and Ulpianus make a distinction between storage (dolia and sometimes cempae), transport (utures et culles), and retail containers (amphioreae, cadi, and cuppae). Only the latter category was considered an accesso to the wine. 195 Insofar as a producer was not involved in retail trade, he had no use for transport or retail containers, which were provided by wine traders. Varro says that in Apulia, traders were known to keep trains of pack animals (donkeys) to carry wine, oil, grains, and other products from the sea in special containers ("asellis dossuaris"). 196 This seems to indicate that the wine was not poured into amphorae by the producers.

For a half century between Augustus and Nero, some ships importing Spanish wine to Italy were loaded with both dolia and amphorae (Dr. 2-4). The dolia were part of the fixtures of the ship. It is remarkable that out of seven shipwrecks where the phenomenon is attested, 197 six contained dolia signed by the same family, the

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194 Procules (2 epist.) Dig. 33.6.15: "Vinum enim in amphorae et cados hac mente diffundimus, ut in his sit, donum usus causa probetur; et scilicet id vendimus cum his amphorae et cados: in dolia autem alia mente colimus, sollicit ut ex his postea vel in amphorae et cados diffundamus vel sine ipsis dolia veniat."

195 Ulpianus (23 ad Sab.) Dig. 33.6.3.1, citing Celsus, and Procules (2 epist.) Dig. 33.6.15. A. Thernia (1986) 39 uses both passages to illustrate how wine could be sold at retail directly from the dolia, without being put into amphorae, and transported in animal skins (utures et culles) on a regional scale, as shown in Pompeian paintings (Dar.-Sag. 1, f. 286) and on a sarcophagus (Dar.-Sag. 1, f. 751b). For the transport of wine in wineskin or hide (6oeas), cf. Philostr., V4 1.40.

196 Varro, Rost. 2.6.5. A. Thernia (1986) 39, n. 127.

197 A. Hensard - M.B. Carre, Archaiomarina 8 (1988) 149-54 list the shipwrecks of Petit Conglose (Marseilles), La Garoube (Antibes), Grand Ribaudo (Hyères, Var), ile Rousse (Corsica), Diano Marina (Liguria), Ladispoli (Etruria), and Gulf of Baratti (Populonia). They are described by M. Corsi-Sicaliano - B. Liou, "Les épaves de Tarraconnoise à chargement d'amphores Dr. 2-4," Archaiomarina 5 (1985).

Pirani, attested in the late Republican period in the region of Minturnae. 198 The gentilicium is rare enough to make the connection absolutely certain. In the shipwreck Grand Ribaudo D, dated to the last decade of the first century B.C. and bound from Campania to Spain and Southern Gaul, one of the dolia was stamped C PIRANVS / SOTERICVS F. In another shipwreck (Diano Marina) dated to the middle of the first century A.D. one dolia is signed by two representatives of the same family, C PIRANVS / PRIMVS FEC and C PIRANVS / PHILOMVSVS F. 199 It is possible that Sotericus, Primus, and Philomusus, were the owners or managers (even joint-managers in the second case) of a workshop producing containers. They must have had a special relationship with the audacious shipper who was ready to sacrifice the security of traditional cargoes of amphorae (in two or three layers) to maximize their profits by transporting a larger quantity of wine on each trip. 200 Because of the the risk of wreck in case of breakage, the experiment seems to have been short-lived, but it had been important enough to leave some trace in the legal sources. 201 Such ships would unload their cargo in horeea equipped with dolia, like those found in Ostia. 202 The wine would then reach the consumer in locally-made amphorae, or in other perishable or reused containers, thus eliminating the need for the production of amphorae at the place of origin of the content. This phenomenon may have affected a significant share of the market.

198 A woman, Pirana, and her slaves are recorded in ILIRP 738; 740-741; and 743.


200 A. Hensard - M.B. Carre, Archaiomarina 8 (1988) 149-54 calculate that the weight ratio of container/content, which had already improved from 1 to 0.6 with the shift from Dr. 1 to Dr. 2-4 amphorae, went down to 0.25 with the use of dolia. Thus, it was possible to multiply the quantity of wine transported in dolia by 1.2 to 1.7 (according to the number of layers of amphorae used in comparison).


202 A. Hensard - M.B. Carre, Archaiomarina 8 (1988) 149-54 point out that such facilities are rarely preserved, and list instance in Massilia, Salone, and Hirsta Pontica. They are also mentioned by Paulus (6 rep.) Dig. 16.1.76 pr. ("dolia in horeea defossa").
The control over the manufacture of containers probably shifted back and forth between producers and traders/shippers. In the *Ager Falernus*, the change from Dr. 1 to Dr. 2-4 amphorae in the first century B.C. was followed by a possible change in the pattern of distribution. As P. Arthur notes:

That a move of kiln sites inland during the first century A.D. may have been part of a trend could be indicated by the presence of inland kiln sites which produced Dr. 2-4 in other areas such as Sutri, in Southern Etruria, and in the Melfa area of the Liri valley. It may have been that the wine was no longer transported from the *fundus* to the 'packaging sites' along the coast, perhaps in large animal skins mounted on carts, but was fed directly into the amphorae on the various agricultural estates for a more restricted market.  

This interpretation is supported by the presence of paved roads in the vicinity of the inland kilns. The chief consumers of Falernian wine in the early Empire might have been the members of the upper classes, including the imperial family, who owned properties in Southern Latium and Campania. The distribution could have been carried out by farm managers (vilici), regional (actores) or general agents (procuratores), possibly off market (gift, exchange, or internal consumption).

The passage by Proclus cited above provides a clue for what happened when traders (negociatores) were buying the crops in bulk before the harvest. No ancient text records who paid for the amphorae, but the jurists say that *dolium* used for storage was part of the *instrumentum* of a *fundus.* It has been argued that the silence of the Roman jurists on this point can be explained by the fact that negociatores were supposed to bring their own amphorae, even though they could use the facilities of the landowner for storage and processing of the crops.

According to the circumstances, both producers of staples and traders might have had an interest in controlling the production of containers. Thus, both groups were likely to buy or rent a workshop which they entrusted to an agent or to a contractor. In my opinion, not enough attention has been paid to the fact that officinatores might have been employed by traders. This would explain why and how amphorae became so standardized, the traders laying down the norms in amphora production to suit their own requirements.

Negociatores could buy the containers they needed from a local manufacturer. The *negociator* L. Antonius Epaphroditus, represented in the shipwreck Saint-Gervais 3, was shipping the products of two different estates packed in amphorae originating from two different *figilae.* That the oil was poured into the amphorae at the site of the workshop is suggested by the fact that the same *ponderator,* Anicus, signed the amphorae containing the produce of both estates. If the negociator was responsible for the manufacturing of amphorae, the name in the stamp should match the name in one of the entries (B) of the painted inscriptions (tituli picti), cf. below. Such instances are unknown to me.

### i. Purpose of the Stamps
There seems to be no agreement on the question of the purpose of the stamps. The following stamp has been found on a *dolium* of Republican date found in Orvieto: FIG L TETTI BALBI / ANTI-

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203 P. Arthur, "Roman Amphora and the *Ager Falernus* under the Empire," *PBR* 50 (1982) 22-33, esp. 31-33.

204 This situation was not exceptional, as it is already described by Cato in his *De Agricultura* (146-148), writing about the terms for the sale of olives on the tree, grapes on the vine, and wine in jars (in *deliti*), and more than two centuries and half later by Pliny the Younger. The latter reported to his friend Calvisius Rufus that the dealers who had been enthusiastically for the wine crop, forecasting increasing profits as a result of rising prices, had incurred some losses as the harvest turned out to be larger than expected, thus bringing down the price of wine on the market (Ep. 8.2.1, Titiernum, 1077): "*vendideram vinemandia certamin negociatoribum emendibus, invitabat pretium et quod tune et quod fore videbatur, spat felellit.*"

OC(hus) TOS(si) SEX(ti).\textsuperscript{210} Antiochus, a slave owned by one Sex. Tossius (or jointly owned by one Tossius and one Sextius), was the manager (\textit{officinarius}) or employee of a workshop attached to a clay bed/brickyard belonging to L. Tettius Balbus.\textsuperscript{211} Sex. Tossius may have rented the clay bed or the workshop from L. Tettius Balbus. An alternative interpretation would be that Antiochus had been hired as \textit{mercenarius} by L. Tettius Balbus. Antiochus was probably a professional workshop manager who supplied containers to his principal, and possibly to other producers or traders of agricultural products.

Why did Antiochus or his principal consider it necessary to sign the products of the workshop? The answer to this question will remain tentative. Many facts speak against the interpretation of stamps as advertising labels: the quality of the signatures, their location on amphorae, and their absence on a significant number of amphorae would make little sense if the only purpose of the stamps was to advertise the product (content or container). As A. Chernaia once suggested, it is more likely that the stamps served as a mark of control: in case of breakage of a whole batch of containers due to low quality, the owner (producer or trader) of the content could hold the manufacturer of the container liable for the loss of his product.\textsuperscript{212} The absence of stamps from many—perhaps a majority of—amphorae is no objection to this theory, because legal action was unlikely to be taken in case of individual or minor breakage. Selective stamping would allow for effective identification of the origin of, and responsibility for, a faulty batch. In our particular instance, a negotiator would have an actio institutio against the principal to obtain a full monetary compensation for the damage incurred as a result of the lously work done by his agent Antiochus.

3. Painted inscriptions: the marketing of the content

The second type of epigraphical evidence found on amphorae is more explicit, but unfortunately also more ephemeral: \textit{tituli picti}, best represented on Dr. 19 and 20 oil-amphorae imported from Spain, have drawn less attention than stamps, but are of primary importance to understand the origin and distribution of the content. Many are found in shipwrecks in Southern Gaul or in the refuse of Monte Testaccio (Rome). The latter collection stretches from the age of Augustus until 260 and presents a somewhat standardized form.\textsuperscript{213}

a. \textit{Five-level structure of tituli picti}

The most detailed painted inscriptions usually contain five entries (a-e), the first three being located one below the other on the upper part of the body, and the last two near the handle:

(a) shows a figure representing the weight of the empty container in pounds;

(b) records a name (\textit{tria nomina}) thought to represent the merchant rather than the shipper handling the consignment.\textsuperscript{214} As the oil

\textsuperscript{210} \textit{CIL} XI 6691, no. 32 (\textit{= ILLRP} 1241 = \textit{CIL} I \textit{suppl.} 2351). A. Oxe, \textit{RM} 59 (1904) 126 states that the slave nomenclature in this stamp (\textit{= his Form III, cf. above, in the previous section}) is rare on \textit{dolia}.

\textsuperscript{211} J. Paterson, \textit{JRS} 72 (1982) 155: “The simplest and most probable hypothesis is that the stamps represent the owners of the \textit{figina} which made the amphorae or the slaves or\textit{ freed officinarii} who worked for them.” M. Stenbry kindly informed me that the Tettius also produced bricks and tiles. So did the Tossius, cf. \textit{ILLRP} 1176 (tile).


\textsuperscript{214} T. Frank, “Notes on Roman Commerce,” \textit{JRS} 27 (1937) 79-72, E. Rodriguez-Almeida, “Monte Testaccio: \textit{Mercatores dell’olio della Bética},” \textit{MEFR} 91 (1975) 675-97; idem, “\textit{Vicariarii} nella gestione del commercio dell’olio betico da Vespaiano a Severo Alessandro,” \textit{MAAR} 36 (1980) 277-90, esp. 278-97; idem, “\textit{Altri mercatores} dell’olio betico,” \textit{DARMC} 1 (3rd series) (1983) 79-86. The name was originally thought to represent the producer of the content of the amphora: D. Collins et al., \textit{Archaeonautica} 1 (1977) 100 consider that the names in β and δ represent the same person, namely the owner of the estate and distributor; D. P. S. Peacock – D. F. Williams (1986) 13 see in entry β of the \textit{tituli picti} a mention of the \textit{nomenclarius}; B. Liu – J. M. Gassend, “L’épave Saint-Gervais 3 à Fos-sur-mer (milieu du IIe siècle ap. J.-C.) Inscriptions peintes sur amphores de Bétique. Vestiges de la coque,” \textit{Archaeonautica} 10 (1990) 157-264, esp. 198-209, favor the interpretation of \textit{mercatores} over \textit{negociatioes}. The organization of the Spanish oil trade was complex, as suggested by the difficulty that modern scholars meet in inter-
trade from Spain became an imperial monopoly in the third century A.D., the name was then replaced by the inscription “fiscis rationis patrimonii provinciae Baeticae” (or “Tarraconensis”);
(y) provides the weight of the full vessel;
(δ) is more complex, as it may consist of several lines, in various orders, including
(a) a crossed R (= receptum or recensitum) or a symbol meaning area (“treasury”) next to two figures representing the value and the content of the container, meaning that it has been checked by an agent of the portorum, and the name of the town where the control was carried out;\(^\text{215}\)
(b) the name of the estate or locality, where the products (content) originated;
(c) a name in the genitive case, which may represent the owner of the estate or his agent;\(^\text{216}\)
(d) the name of the employee in charge of supervising the loading of the ship (if acc, aetp, or rct are to be interpreted as acceptor), of registering their weight (ponderator), and of filling out the tag (scriptor). In the third century it bears a control mark from imperial actores;
(e) a consular date;

pretending such functions as that of diffusores: A. Tchernia, “D. Caecilius Hospitalis et M. Iulius Hieremianus,” in J.M. Blázquez Martínez (ed.), Producción y comercio del aceite en la antigüedad (Madrid 1980) 155-80 and S. Pianciara, “Olearii,” MAAR 36 (1980) 235-50, both favor a meaning close to that of negotiator, mercator, or nauticarius; conra, M.-F. Lozayse, “A propos de Marcus Cassius Sempronianus Olivaonensis, diffusor oleatris,” REA 88 (1986) 273-84, following R. Trouvenet, suggests that they were specialists in charge of decanting liquids into amphorae and checking the quality, playing a intermediary role between producers and traders; P. Le Roux, “L’huile de Bétique et le prince sur un itinéraire annonnaire,” REA 88 (1986) 247-71 considers them as intermediaries between wholesale traders (negociatones) and retailers (mercatores); and E. Rodríguez-Almeida, BGAR 92 (1987-88) 299-306, considers that there is no difference in the inscriptions between diffusores, negotiatores, and mercatores oleatris, but that these are distinct from nauticarii. All known diffusores are freedmen or freedmen, and they might have played only a supervisory role.

\(^{215}\) D. Colls et al., Archaiologiae 1 (1977) 93-103 reject T. Frank’s interpretation (in AJP 57 [1936] 87-90) of δ as a reference to the portorum.


\(^{219}\) R. I. Curtis, ASC 15-17 (1984-1986) 225 reports that the name of A. Umbricius Scaurus “or the name of one of his slaves, freedmen, or family members appears on 28.6 percent of all extant fish sauce containers found in Pompeii and Herculanum.”

\(^{220}\) The tituli picti used in this section are found on containers bearing (presumably) no stamped signatures. Stamps of the Umbricii are rarely reported. Cf. M.H. Callender (1965) no. 1748 (Modena): VMBRICIV.


\(^{222}\) CIL IV 5689 (= ILS 6999a): Gtari (fllos) SOMBRI (i) / OPTIMVM / EX
Another element found in some painted inscriptions is the name of one of A. Umbriacus Scaurus's relatives or dependents, male or female, in the ablative case preceded by the preposition *ab*. Curtis identifies these characters as the "consignors" of the container, and the phrase seems indeed to refer to the distributors of the content. From the extant evidence, it appears that Scaurus's fish sauce was distributed by his dependents in several outlets, one of which, at least, was managed by a female *institor*. Distribution was also carried out by people not necessarily connected with Scaurus's family. Thus, some containers filled with Scaurus's fish sauce bear the label of one imperial freedman named Martialis.

It is likely that Abascantus and Agathopus, who are both known to have been in charge of an *officina* (Latin for a workshop), were the same or very similar persons, who signed some inscriptions. That the two formulae (*EX OFFICINA + name* in the genitive case, and *AB + name* in the ablative case) refer to two distinct operations is shown by the occurrence of both formulae side-by-side in the same *titulus* (cf. previous note), but it remains uncertain whether both positions were held simultaneously or consecutively. One finds also the combination *AB + ablative* and *DE + ablative*: *G F SCOMBR / SCAVRI / AB AGATHOPO DE / CLAVDIO EVLOGO*, although another *titulus* may suggest that

OFFICINA / A VMBRICI ABASCANTI: *CIL* IV 5694 (= *ILS* 8599b): *G F SCOMBR / SCAVRI / EX OFFICINA SCAVRI* (cf. also *CIL* IV 2572(2); 2574-2575; 2577; and 9406); *CIL* IV 5690 (= *ILS* 8599c): *G F SCOMBR / SCAVRI / EX OFFICINA AGATHOPI* (cf. also *CIL* IV 2580 = 5691; 7110; and 9403-9405). Cf. also *CIL* IV 15-17 (198-986) 225, n. 67.

DE should be understood as a spurious ending of the Greek name 'Αγαθόπολας, -οπολας: *LIQVAMEN / OPTIMVM / CLAVDIO EVLOGO / AB VMBRICI AGATHOPODE.* This would mean that Claudius Eulogus was the recipient of a shipment made by Umbriacus Agathopus, but a scribal mistake (inversion of lines 3 and 4) seems more likely. A comparative study of the use of the prepositions *ab*, *ex*, and *de* in painted inscriptions and stamps related to various types of clay artifacts might yield some interesting results.

Finally, there is one case where the agent of A. Umbriacus Scaurus signs with his initial only: *LIQ / A VMBRICI SCAVRI / A VC*. It is likely that the agent (producer or distributor) was a freedman called A. Umbriacus C(?)

The concern of which A. Umbriacus Scaurus was the director provides an excellent example of an integrated enterprise. One sector was responsible for the production of various kinds of fish sauce, another for the packaging, and a third one for the distribution of the product in retail shops. Both production and distribution were carried out in more than one managerial unit. As the cases of Abascantus and Agathopus show, it was possible for a competent manager to be in charge of more than one sector, or to be transferred from one to another.

4. Stopper marks: the transport of the product

The third type of epigraphical evidence related to amphora is found on stoppers. Filled amphorae were closed with a cork bung sealed with pozzolana and stamped. It is the current opinion that the marks found on stoppers refer to the trader (*mercator* or *negotiator*) or to the shipper (*nauscellarius*), although both functions could very well

226 *CIL* IV 6921 and 9418, where the editor suggests that "misus" is implied after CLAVDIO EVLOGO.

227 *CIL* IV 5705, where the same *titulus* appears both on the neck and on the body of the container.

228 J. Paterson, *JRS* 72 (1982) 156: "A number of stoppers for the necks of amphorae have survived and occasionally names appear on them. Such names are most likely those of the *negotiator*;" cf. also D.P.S. Peacock - D.F. Williams (1986) 11-12 (negotiator, possibly of low rank) and 59-51 (merchant who bought the amphorae).

be assumed by the same people. The basis for this interpretation of stoppers is provided by the similarity observed in some shipwrecks between names, geometrical designs, with or without isolated letters, and symbols (star, trident, etc.) found on both anchors and stoppers. More suggestive still is the find of a seal matrix and pozzolana in a shipwreck, which indicates that the sealing of amphorae took place onboard, probably at the time of loading. This would be congruent with the fact, observed by D.J. Mattingly, that in Spain Dr. 20 amphorae were produced not further than one or two kilometers away from the waterways, which implies that only the oil intended for the market was stored in amphorae and that this process was carried out near the place where the amphorae were loaded onto riverboats.

An interesting document found in Egypt points toward the involvement of imperial slaves in long-distance trade. The stopper bears the Greek mark ΚΕΡΕΝΟΣ ΣΒΕΒ ΑΠΕΛΕΥΘ and was regarded as evidence for "an imperial freedman’s activity in charge of a wine-producing establishment which shipped to Quseir" and as "the first clear proof that one of these [wine-producing imperial estates in Egypt] was headed by an imperial freedman." If one accepts the view that stoppers represent shippers or traders, this imperial freedman was in charge of a shipping company, which would be no surprise in a port town like Quseir. It does not necessarily im-

230 For instance, the equestrian C. Sentius Regilianus was a diffusor olarius ex Baetica, a negotiatus vinarius Lugudunensis in canisbis consistens, and a navus Ararices (CIL VI 29722 = ILS 7490, Rome, second century); P. Oliitius Apollonius, from Colonia Narbonensis, was a navus ararici of the said colonia under the reign of Antoninus Pius (CIL XII 4096) and a negotiatus olarius found in line 8 of some titulis picti from the Testaccio (CIL XV 3974-3976); and L. Hilarianus Cinnamus from Lugdunum was born a navus Rhodanios Rhodano navigans and a negotiatus vinarius (CIL XIII 1996 = ILS 7031, Lyons, late second/early third century); cf. P. Le Roux, REA 88 (1986) 270, nos. 8, 12, and 14; and CIL XIII 1954 and 1966 (= ILS 7028 and 7030).


233 F. S. Bogonall, in D.S. Whitcomb – J.H. Johnson (eds.), Quo ad et Quo 1978. Preliminary Report (Cairo 1979) 243-44, who mentions another plug with the name of one Titus Flavius … allis, "perhaps also a freedman (of one of the Flavian emperors)."

234 M. Crawford, "Economia imperiale e commercio estero," Tecnologia, economia e società nel mondo romano (Como 1980) 207-17, esp. 215-17, with reference to AE 1973, no. 157 (Agro Murecine, Pompeii, A.D. 51) recording the obligation to pay a large sum of money to an imperial slave.


had to be granted more freely than the *actio inftitoria*. The conspicuous majority of freed and freedborn shipmasters in our sources can be interpreted as both the cause and the consequence of such a development of the legal system.

Evidence for agents of *negotiatores* or *navicularii* is scarcer, and this fact might be ascribed to the desire on the part of some members of the senatorial order not to advertise their involvement in marketing and shipping amphora-borne commodities. Whereas we can have a glimpse of possible slave *insititores* on the basis of amphora stamps, there is no way we can even estimate who among known *mercatores*, *negotiatores*, and *navicularii* were doing business through agents, or were acting as agents, and for whom.

Evidence for women *negotiatrix* and *shippers* in the oil and...
wine trade strengthens the possibility that traders and shippers were often represented by viticu, actores, and institores, although we have seen that women could be agents as well as principals.

The discrepancy in terms of social status between the people whose names show up in amphora stamps and those attested in the tituli picti and stopper marks may indicate the plebeicum Claudianum of 218 B.C. and the provisions of the Lex Iulia de repetundis of 59 B.C. were still enforced as late as the second century A.D. It is impossible to ascertain whether the negotiatores and the navicularii attested on amphorae were independent economic agents, or mere straw men covering up the commercial activities of the senatorial nobility, or people of free status, but more or less socially dependent on a patron, a relative, or a "friend."

5. Conclusion

Amphorae, in contrast with building material, tableware, and lamps, were used as containers and therefore submitted to different factors in the process of manufacturing and distribution. The production of amphorae was conditioned by the combined requirements of the producers, traders, and shippers of the goods (mostly wine, oil, and fish sauce) they contained. Each of the four categories of economic participants involved in the trade of amphora-borne commodities is represented in one of the three types of inscriptions preserved on amphorae.

The stamps (signature) refer to the manufacturers—owners of the firms and/or their agents. All social strata are represented, from the emperor down to obscure people of uncertain status and slaves. The production of amphorae was sometimes conducted in the context of the villa economy. Cases where a landowner—through his viticu, a subagent appointed by the latter, or a manager/potter appointed or hired by the landowner and working independently from the bailiff—would have produced the containers in which he would market his agricultural production must have been fairly common (cf. the cases of the Sestii and of the Umbriici Scauri), but the archaeological and epigraphical evidence for this phenomenon is not as abundant as could be expected. The structure of the stamps calls for the same remark as those expounded in the preceding section, namely that what appears to be the tria nomina of a freedman could conceal the combination of the names of a principal and his agent (cf. the case of the agent of C. Laecanius Bassus).

For wholesale trade the containers seem to have been usually provided by the trader rather than by the producer of the content. Then, the production of amphorae could have been entrusted to local potters under contract or to the trader's agent in charge of such facilities near the place of shipping.

The purpose of the stamps seems to have been the same as the one proposed in the context of the brick and tile industry. Thus, the person referred to in the stamps would have been liable for the quality of the container.

The most detailed written evidence on amphorae comes from the painted inscriptions, which provide information about the nature, weight, and origin of the content, the identity of the trader and of the employee(s) supervising shipping formalities, the date of the shipment, and some storage code.
Stopper marks represent the shipper or his agent, as the sealing of amphorae was completed at the time and place of shipping. Slave shippers are very rare, but the scantiness of the evidence gives little value to such a statement. Free(d) magistri navium can be confused with exercitio, and the provision of the Lex Claudia, still enforced during the Principate according to the legal sources, probably accounts for the complete silence of our sources about connections between ship operators and their financial backers.

The absence of links in the epigraphical evidence between the various categories of people engaged in the production, trade, and transport of amphora-borne commodities points against the vertical concentration of business activities within the hands of a few magnates, but one cannot exclude the existence of concealed cases of legal or social dependency between seemingly independent people.249

D. POTTERY (TERRA SIGILLATA)

1. Historical outline

During the Republican period, the so-called Campanian pottery underwent an evolution toward mass production, standardization, simplification of decoration, and disappearance of signatures, which makes it impossible for us to reconstruct the organization of the industry. J.-P. Morel speculates that, as far as the post-Hannibalic-War Campanian A pottery was concerned, the anonymous producers must have had very few contacts, if any, with the consumers, because, according to him, the distribution was carried out by middlemen.250 Thus, the anonymity of the market and its growing size called for the mass production of standardized wares made by potters working in larger production units than earlier.

249 D. Manacorda, *Opus* 4 (1985) 142, following A. di Porto, *Sedalitas* VII (1984) 3256, thinks that many landowners were trying to retain control over the sale of the products of their farms by organizing their processing and transport to the marketplace. This may be correct insofar as the marketing did not imply overseas shipment.

250 J.-P. Morel, “La produzione della ceramica campana. Aspetti economici e sociali,” *SRS* II (1981) 81-97, esp. 93. The involvement of middlemen is inferred mainly from a text of Diodorus Siculus (5.13) that applies to iron work in Putrelli and from two allusions in Sallust (fug. 21.2 and 26.3) about the role of negotiantes in Numidia in the late second century B.C., where Campanian A pottery was massively exported.

As mentioned in the introduction to this chapter, small workshops supplying local markets provide an unlikely setting for the appointment of business managers. The evolution described in the preceding paragraph created a new situation which prepared the way for the introduction of new forms of management. The emergence of larger units of production was followed by a typological change to Campania B and C and Arretine black-glazed pottery during the second century B.C. The reappearance of the signatures was combined with the potters' growing awareness of market conditions. Producers and traders tried to reach farther markets inland and overseas, and transfers of workshops occurred more and more often. Insofar as some major firms managed to retain, at least temporarily, their Italian bases while conquering provincial markets, the conditions became ideal for the development of agency in the pottery industry.

In a recent and comprehensive study of the development of trade and economic activities in the Po Valley, R. Chevalier described a recurrent pattern of development common to both Etrusco-Campanian pottery and terra sigillata. In the first case, the diffusion of pottery antedates the conquest of Cisalpine Gaul in the second century B.C. In the aftermath of the military occupation, branch workshops were opened and simultaneously local potters started producing imitations. Consequently, areas of exportation went through periods of economic and demographic growth which resulted in the creation of local enterprises ultimately superseding those from which the techniques of production had been learned. The same phenomenon started all over again with the next area of expansion.251

This phenomenon is best attested for the production and distribution of Italian-type terra sigillata, also called Samian or Arretine ware.252 An early example is provided by the potter C. Aco who, in

251 R. Chevalier, *La romanisation de la Celtique du Pi* (Paris/Rome 1983) 266-67, and nn. 397-401 for the bibliography: “la décentralisation d'une même production, évidente d'après les différents types d'argiles, visait à diminuer les frais de transport” and 273-74: “(les zones d'exportation,) douées, à un certain stade de développement, de plus de vitalité démographique et économique, produisent à leur tour, aux dépens des régions qui les ont initiées, en vertu de cette loi économique qui veut que les centres de fabrication cherchent à se rapprocher des lieux de consommation.”

the second half of the first century B.C., worked near Comum or Cremona. His production was sold in Northern Italy (Upper Po Valley), and exported to Gaul, Upper Germania, Raetia, Noricum, and Pannonia. At one point, his agents seem to have controlled other centers of production in Ravenna, Faenza, and perhaps also Abano and Aquileia. Later, he even established a branch workshop in Lyons, which he possibly entrusted to a slave in the Gallic market. Still active in the first A.D. 15, C. Aco is known to have employed slaves and freedmen (Diophanes, Ascimus, Antiochus, Gratus, and the most active of them, Aco Acastus) who were using decorative stamps (pointons) and moulds imported from Arezzo. The contacts between Italian main workshops and provincial branches seem to have remained active for a while.253

In a later period, some potters located in Raetia (Westendorf and Pfaffenhofen) stamped the label PRO or PROV on the outside bottom of their products (Dragendorff 32 and 37), which has been interpreted as the abbreviation of PROVINCIALIS (affictum).254 If this interpretation was correct, it would suggest that Italian origin did not constitute a fashionable must in the mind of the consumers who purchased Arretine-like terra sigillata, and that provincial products were not necessarily of lower quality. This would be confirmed by the development of Gallic production centers. In the early first century A.D., local Gaulish potters started imitating the Italian style of products imported or made by Italian potters in branch workshops. The resulting overproduction forced Italian potters to relocate upstream along the Saône, probably under Tiberius or Claudius. Later in the first century A.D., Arretine potters were completely superseded by provincial competitors. It seems, however, that the mark PROVINCIALIS should be interpreted differently (cf. below).

2. Pattern of expansion of major Italian firms

Aco’s firm found its interprovincial vocation at an early date. Other firms developed at a slower pace or retained their Italian base for a longer period. Even then, decentralization was not out of question.

Around the same period or slightly later than Aco (in the late 30’s or 20’s B.C.), the Ligurian potter L. Sarius, with the assistance of his slave and later freedman Surus, started producing terra sigillata near Pavia, Brescia, or Bologna. Their production is also attested in Giubiasco, Concordia, and Aquileia. In some other places, stamps bearing the name of other slaves of Sarius (Tyris, Celer, Crestus, Felix) suggest that the famous potter had perhaps established branch workshops in Mantova, Rimini, Aquileia, Veleia, and Giuliana.255 The signatures show the name of the slave in the nominative or genitive form, followed by the name of the master in the genitive form (nomen only, or praenomen plus nomen).256 The existence of a Southern Italian branch is possibly illustrated by the find of a cup stamped SARIVS L L SVRVS in the wreck of a ship presumably bound from the Adriatic coast to the Aegean.257


256 For instance, CELER SARl or CERISI L SARI. Cf. also CIL XI 6700, no. 576 (Orcium); T(?) SARl; ibid., no. 577 a and b (Volaterra): L(uccus) SARl or (or-) SARl (volaterrana) LABS; and SVRVS SARl L(uccus) Scervus; ibid., no. 578 (Arminii): YTYSVRVS SARl L(uccus) Scervus; ibid., no. 579 (Rimini): CELER SARl; ibid., no. 580 (Rimini and Veleia): FELIX SARl, CIL VIII 1115, no. 108 (Genua): C(?) SARl; cf. CVTA 1665-1666.

257 A. Freschi, "Il reticolo A delle Tre Senghe (Isola Tremiti). - Relazione preliminare 1981-1982," in Archivio filologico (BA Suppl. 4, Rome 1982 [1983]) 89-100, esp. 100. The location of a branch in Apulia and the export to the East of Sarius’ production is hypothetical, as it rests on the assumption that the location of the shipwreck off the Tremiti Islands (Isolae) was on a route followed by ships transporting Lamboglia 2 wine-amphorae from Apulia to the East. But as A. Tchernia (1986) 53-56 points out, Lamboglia 2 amphorae were also produced further north. Thus, it is possible that this particular ship had set out from Rimini or Ravenna rather than from Apulia, and that it was bound to Southern Italy or even Rome.
a. archaeological evidence for workshops

It is clear that the existence of a workshop (main or subsidiary) cannot be inferred from the find of a stamp. Only a concentration of the same stamps within a given area, not necessarily to the exclusion of other locations, suggests that they were perhaps produced locally, hence the importance of maps of distribution. The only reliable type of evidence for the identification of a workshop consists in the find of a dumping site, where the refuse is composed of defective or unfinished stamped pottery, in the best cases located in the vicinity of a kiln. Very few assemblages of this type have been discovered. Recently, the workshop and kiln of C. Umbriacus Cordius was found between Arezzo and Chiusi, in Central Etruria. Another case is provided by the kiln found on the Ianicium in Rome, with refuse stamped OPPI or C O(ppius) R(estitutas), a well-known lampmaker whose products are found in great numbers in Italy, North Africa, Spain, Sardinia, Gallia Narbonensis, and even in the Northern provinces.

The most famous instance, however, is that of the Arretine potter Cn. Ateius. The stamps found among the refuse dumped near his workshop in Arezzo, identified in 1954, show that Ateius was at first working alone or, at least, that his possible assistants were not autonomous enough to sign their products. On the other hand, the stamps found all over Italy and the Western provinces show that Ateius was assisted, perhaps at a later stage, by several slaves or freedmen, and by the latter’s slaves. The nature of the link between Ateius and his personnel remains unclear, because the form and purpose of the stamps resist any definitive explanation. In addition, no modern scholar has attempted to establish a relative chronology of the signatures on the basis of the typology of the wares on which they are preserved. Consequently, it is still difficult to exploit to a full extent the wealth of information contained in the stamps, with all their variants, in order to trace the development of the production of each individual represented in them. The comparison between the respective patterns of distribution of the products of individual potters of the familia Ateia (or gens Ateia) seems to point toward a certain level of economic independence among the potters of the same group. Whether or not these potters remained legally, socially, or economically tied to their master/patron is debatable. Both slaves (with peculium) and freedmen could have an independent activity, and consequently could be found in the position of either entrepreneurs or workshop managers.

b. branch workshops

The localization and identification of workshops is facilitated by the finds of moulds. Such is the case of a workshop owned by one A. Naevis in Cuminum, where three moulds were discovered. They bear a stamp in tabula ansata which reads N NAEVI / HILAR (or N N H, or H N N). The presence of a workshop in Cumae is not surprising, since several literary sources record an active ceramic industry there in the late Republic and early Empire. The production of Naevius is well attested elsewhere in Campania, in particular in Puteoli, where some 300 sherds and 60 stamps suggest the presence of another workshop. While some of the decorative elements of the moulds from Cumae are unique, one decorative stamp (poisons) was used in both workshops. It seems that Naevius started in Cumae and subsequently opened a branch workshop in Puteoli, which produced for overseas export. Significantly, the signatures most commonly attested on Naevius’s vessels are composed of two stamps, one bearing the name of the owner in the genitive (NAEVI) and another bearing a slave name. Naevius’s production is found at Haltern, which points toward a late Augustan date. It was found at Haltern, which points toward a late Augustan date. It was

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258 S. von Schnurbein, Conspectus (1990) 22 mentions the possibility of branch workshops under Augustus or Tiberius in Southern Gaul (Narbonne, Bram, Aspran, Jongüeres/Saint Saturnin) on the basis of correspondences of potters’ names, which might be purely coincidental.


261 The best up-to-date discussion of Ateius’s personnel is found in G. Pracher, Die Sklenen und Freigelassenen im arretinischen Sigillatazeugnisse (Wiesbaden 1980) 26-36. Cf. CIL XI 6700, nos. 100-107, etc.; and CVArr 144-186.


263 For instance, CVArr 174: PHIL(omus)VS / CN ATEI SALVI.

264 G. Soricelli, "Un’officina di N. Naevis Hilarus a Cuma,” ArchClass 34 (1982) 190-95. Stamps of the Naevii are collected in CVArr 1080-1110.

265 CVArr 1003a-g. The stamp of Hilarus alone is also attested, cf. CVArr 1094.

266 G. Soricelli, ArchClass 34 (1982) 190-92, with reference to Varro, Tibullus, Apicius, Stadius, and Martial. Cf. also Pliny, HN 35.165 (about ceramic production in Rhegium and Cumae).

267 CVArr 1080. They are very common on vases and moulds in Puteoli.
still in use in Pompeii in A.D. 79, which implies that the production must have lasted until the end of the reign of Claudius or even later.

The existence of workshops can sometimes be inferred from the pattern of distribution of the products signed by a specific potter. The potter Comitialis is well attested in Westendorf, probably in the second century A.D. His products exhibit a combination of two stamps COMITIALIS and CSSER (or CSSSERT). The finds of products signed by the same Comitialis in Niederbieber and in Württemberg, where the products of Westendorf seem never to have reached, point toward the existence of a workshop in Rheinzabern. This hypothesis is strengthened by the fact that the stamps of Comitialis from Rheinzabern and Westendorf seem to be contemporary.

As for Ateius's concern, four workshops have been identified so far: Arezzo, Pisa, Lyons, and perhaps La Graufesenque (Aveyron), and more might be found in the future. The first workshop produced mostly for the Italian market, the second for export overseas, and the third and fourth for export to the Rhine markets. The existence of various branches has been established on the basis of the chemical analysis of 68 sherds of pottery found in Gaul. Seven sherds have a lower content of $\text{TiO}_2$ (titanium dioxide) than the rest, and provide evidence for a workshop in Lyons. Out of the remaining 61 Italian sherds, 55 have a higher content of $\text{K}_2\text{O}$ (potassium oxide) than Arretine pottery, which suggests the existence of another Italian workshop, located in Pisa. It has been speculated that Ateius first opened a branch workshop in Pisa to conquer overseas markets (including Southern Italy), and then in Lyons to conquer the Rhine area, thus setting a pattern followed by other potters.

Similar conclusions have been reached through a different method, based on Neutron Activation Analysis (NAA), measuring a wide array of elements (ca. 50) with good accuracy (average precision ca. 2%).

Pottery with the Ateius signature has been shown to have the same chemical composition pattern as many pottery rejects found near kilns in the large complex of workshops of La Montée de la Muette in Lyons. We believe this indicates definitively that the great pottery-making firm in Arezzo, Ateius, had a branch workshop in Lyons around 10 B.C. This branch was probably opened with experienced workers and equipment from Arezzo in order to shorten the distance to the new markets of Gaul and the Germanic border regions.

The presence of a workshop of Ateius in La Graufesenque has been established on the basis of the find of one (!) sherd among the refuse of a kiln. The validity of such an isolated piece of evidence is questionable.

Despite these pioneering attempts, it remains difficult to draw any definite conclusion on the basis of the distribution of stamps because in most cases the dearth of chemical analysis prevents us from determining what was produced where and when. For instance, it is not known whether all Ateius's workshops were active at the same time, or whether these workshops correspond to successive stages in the career of one craftsman. Furthermore, there is no way to estimate the quality and quantity of the output for each workshop respectively.

Harris (ed.), The Inscribed Economy (1993) 129-37, using wavelength-dispersive X-ray fluorescence (focusing on 16 to 25 elements) to determine the provenance of pottery found in Rheinzabern, in particular for the products of two potters from Arezzo, L. Gellius Quadratus and L. Sempronius Hilarus, who seem to have had a branch in Lyons. G. Schneider-B. Hoffmann, “Chemische Zusammenstellung italischer Sigillata,” Conspexit (1990) 32 report that out of the stamped pottery found in Haltern (abandoned ca. A.D. 9), 48% of the material was produced in Lyons, 36% in Pisa, and only 2% in Arezzo.


c. variations in patterns of distribution of finished products

Several members of the Ateius concern seem to have operated in the region of Pisa during the same period, but their products followed different patterns of distribution. Whether they belonged to the same workshop with separate units of production or to distinct ones is unclear. E. Ettlinger compares the respective ratios of stamps found within two wide areas, the Mediterranean basin and the Gallic/Germanic provinces. An independent study has shown that the whole production was divided into three groups. The first is represented mainly in Italy and in the Western provinces (signed by Eros, Euhodus, Eurynyas, Maives, Plocamus, Rufus (?), Salvius, Tetius (?), Xanthus and Zoilus); the second is represented in Italy, Spain and North Africa, but not in the Gallic and Germanic provinces (signed by Amarantus, Dei(us) Di(on), Germulus, and Phil(omusus), but most names are abbreviated); and the third is represented only in Germania and, exceptionally, in Gaul (signed by Albanus, Crestus, (Stab)ili(o), Primigenius, Germanio(?), Hilarus, Narcissus, and Otonius(?), in addition to the product of the partnerships formed by Crestus and Euhodus, Maives and Zoilus, and Xanthus and Zoilus). The tentative result of Ettlinger’s survey suggests that the potters identified as freedmen are better represented in the Mediterranean region, while the potters identified as slaves produced wares mostly found in the Gallic/Germanic provinces. Her study rests on the questionable assumption that the form of names in the stamps provides a secure basis for the identification of individual potter’s status.

The pattern recognized by Ettlinger is best attested for other contemporary potters who did not belong to Ateius’s clan. Thus, the freedman A. Vibia Scrotula (producing from ca. 30 until 10 B.C.) and his slave Diomedes (ca. 25–5 B.C.) are represented respectively by 114 and 29 stamps in the Mediterranean basin vs. 34 and 41 in the Gallic/Germanic provinces. T. Rufrenus (ca. 10 B.C. – A.D. 20) and his slave Rufio (ca. 10 B.C. – A.D. 7) are represented respectively by 80 and 34 vs. 9 and 45. The potter Sex. Avilius (ca. A.D. 2–24), represented by 113 stamps in the Mediterranean basin vs. 44 in the Gallic/Germanic provinces, had a slave Mena (ca. A.D. 2–13) in Lyons, whose stamps (17) are only found in the Gallic provinces, with one exception in Rome. The case of L. Tettius Samia (ca. 20–3 B.C.) and his slave Crito (ca. 15–5 B.C.), with respectively ca. 200 and 8, vs. ca. 187 and 26, is less spectacular, because of the discrepancy in quantity between master’s and slave’s production.

Ettlinger’s study of Ateius’s exports from Pisa reveals that the ATEIVS signature (ca. 11 B.C. – A.D. 22) is found on 381 (+ ?) sherds in the Mediterranean basin and 1,061 (+ ?) in the Gallic/Germanic provinces. This in itself is not revealing because any potter belonging to the familia of Ateius could have signed with the name of the firm only. Ateius’s agents or workers Euhodus (ca. 5 B.C. – A.D. 25), Maives (ca. 5 B.C. – A.D. 15), Xanthus (ca. 5 B.C. – A.D. 27) and Zoilus (ca. 2 B.C. – A.D. 30) are represented respectively by 37, 36, 91, and 122 stamps in the Mediterranean basin vs. 92, 122, 404, and 94 in the Gallic/Germanic provinces (cf. below for specifics). The conclusion to be drawn from Ettlinger’s study is that it is possible that freedmen or freeborn were in charge of Italian workshops producing high quality and finely decorated wares for the Italian and Mediterranean markets, while slave potters or managers belonged to workshops—in Italy or in Gaul—producing coarser wares for the Northern markets.

That the pattern of distribution may have changed at the time of manumission is also illustrated, for instance, by the production of a later potter attached to Ateius’s concern, Cn. Ateius Amarantus, whose workshop was located in Tuscany and who started producing as a slave around A.D. 10. His pottery was exported to Spain (Ampurias, Merida), Lyons, Cologne, and London. Ten years later, just after he had adopted the signature in planta pedis, i.e. encompassed in a foot-shaped cartouche, he was manumitted and started producing plates which were exported to Carthagena and

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277 E. Ettlinger, RCRF 25/26 (1987) 15-16. All dates are approximated on the basis of Ettlinger’s tables.


279 CVAtr 153 and 154.
A comparison with the figures provided by G. Prachner raises some questions about the basis of Ettlinger’s theory: for instance, CN ATEI AMARANT is attested on 8 stamps in planta pedis (i.p.p.) out of 11, while AMAR is represented on only 1 stamp i.p.p. out of 8.\(^\text{283}\) CN ATEI / EVHODI is attested on 7 stamps i.p.p. out of 73 stamps, while EVHODI is also attested on 7 (?) stamps i.p.p. out of 58 stamps.\(^\text{284}\) CN ATEI / MA(h)ES (or CN ATEI / MAHETIS) and MAHES (or MAHETIS) are represented on respectively 53 (?) and 116 stamps, none of them i.p.p.\(^\text{285}\) By contrast, Ettlinger’s hypothesis is confirmed in the case of CN ATEI / XANTHI, with 126 stamps, none of them i.p.p., while 50 or more out of 428 (?) stamps signed XANTHI are found i.p.p.\(^\text{286}\) The same remark applies to the case of CN ATEI / ZOILI with none of the 40 stamps i.p.p., while 36 (?) out of 175 stamps signed ZOILI or SOILI are reported i.p.p.\(^\text{287}\) These figures are likely to be modified by future discovery, and the whole demonstration may crumble as a result. My personal opinion leans toward Ettlinger’s theory, although I suspect that ancient potters were not necessarily always consistent and systematic in the choice of the form of their signature.

3. The structure of the stamps

a. nomenclature in pottery stamps

As we have seen in the case of bricks, tiles, and amphorae, potters’ stamps are notoriously ambiguous: the praenomen is usually abbreviated and the gentilicium could be read as an abbreviated nominative (ATEI(us)) or as a regular genitive. For instance, we know of several variants of the stamp bearing the name of Cn. Ateius Hilarus: ATEI / HILARI; CN ATEI / HILARVS; CN ATEI / HILARI; and CN ATEIVS / HILARVS.\(^\text{288}\) Whether or not these variants reflect an actual progression in this potter’s career, from the status of slave working with his master or operating a workshop on his behalf to that of independent freedman, is difficult to ascertain. For each of

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\(^{281}\) E. Ettlinger, “Vorbemerkungen zu einer Diskussion des Ateius-Problems,” RCGR 4 (1962) 27-44. Cf. also R. Chevalier, Les potiers attiques (nomes romains) (Cassarodum Suppl. 60, Tournus 1990); “Le génitiv d’apparance, comme ATEI XANTHI se lit: vase fait par Xanthus, esclave d’Ateius. Quand Xanthus signe seul, c’est qu’il a été affranchi, cas fréquent pour les noms d’origine greecque.”

\(^{282}\) C. Delplace, “Les potiers dans la société et l’économie de l’Italie et de la Gaule au Ier siècle av. et au Ier siècle ap. J.-C.,” Kêma 3 (1978) 55-76, esp. 58, considers the most likely sequence to be cognomen alone first, then praenomen as a proof of manusmission. E.W. Haley, MBAHS (1990) 8: “It is evident that the mark OPPA is a predecessor of IPC OPPI RES” based on the evidence from two shipwrecks (Culip IV and Culip I).

\(^{283}\) CVAr 153-154.

\(^{284}\) CVAr 160-161.

\(^{285}\) CVAr 168-169.

\(^{286}\) CVAr 176-177.


\(^{288}\) CVAr 166.
the variants it remains unclear whether we are dealing with a freeborn/freedman called Cn. Ateius Hilarus, or with the slave/freedman Hilarus of Cn. Ateius.\textsuperscript{289} Ascription of libertinism to the potters who adopted such signatures is unwarranted, because there is no way to determine whether the signature stands for CN(aeius) ATEI(us) HILARVS (or the same in the genitive form) or whether the cognomen is independent from the praenomen and gentilicium. In that case, the stamp should be read CN(aeius) ATEI (servus) HILARVS or (ex officina) CN(aeius) ATEI, HILARVS (feci), or finally (ex officina) CN(aeius) ATEI, (opus) HILARI.\textsuperscript{290}

The reading of stamps proposed here, whereby two persons are referred to, seems sometimes inescapable. Ceramics found in Rome and Arezzo were produced by one A. Titus who signed A TITI / FIGVL. Some of his stamps, however, include a third line with the mention ARRET, which has been interpreted as a reference to the place of origin (= Arretio or Arretii).\textsuperscript{291} In view of the rarity of such usage, it seems more logical to understand ARRET as the abbreviated form of a name, Arretius, who would have been an employee of A. Titus.\textsuperscript{292} Another illustration is provided by one manufacturer named L. Gallius, who had a workshop in Arezzo producing terra sigillata signed with a variety of stamps. One type of stamp features two names: L. SEMPR / L. GELLII. The chemical analysis of samples of the whole production indicates that artifacts signed with this particular stamp were produced in Lyons.\textsuperscript{293} S. Zabelhlicky-

setzung italischer Sigillata,' \textit{Conspicua} (1990) 27-36, with detailed analysis (by X-Ray Fluorescence and Neutron Activation) of Gallius’s production from Arezzo and Lyons.

Binomial stamps are well identified in brick and tile stamps, cf. above. Cf. also, for the sake of comparison, the series of three bread seals found in Moguntiacum (Upper Germania, CIL XIII 6935b-d): the owner/principal in all three cases is a centurio named Caecilius (praenomen and cognomen are unknown), and the bakery managers are named Sabinus, Mostenius, and Metonius. Mostenius bears the title of adiutor.

E. Ettlinger, \textit{Conspicua} (1990) 5 points out that the oldest stamps on tableware from Arezzo often consist of two single letters. Even when praenomen and nomen are written in full, the cognomen is left out.


H. Ennoz, \textit{CAVR} p. XXXI.

A.N. Sherwin-White, \textit{The Letters of Pliny: A Historical and Social Commentary} (Oxford 1966) 113. This point might not be relevant for nomenclature in inscriptions, as it may reflect the idiosyncratic habit of Pliny, who should be compared to other literary writers, especially Cicero in his correspondence.
Therefore, it is possible that the buyer of Arretine tableware in the
time of Augustus would have regarded the stamps as referring to two
different persons, one referred to by his praenomen and gentilicium, the
other by his cognomen.

It has been usually assumed, on the basis of monumental inscriptions,
that a slave would be referred to by his cognomen followed by the name (praenomen, and/or gentilicium, and/or cognomen) of his
master in the genitive case, for instance, HILARVS CN ATEI (servus).
In monumental inscriptions, the order in which the respective
names appear seem to have been standardized in the form slave’s
name first, master’s name second. This is not the case in more
casual inscriptions such as stamps on clay artifacts. This fact, which
has been surprisingly overlooked by archaeologists and epigraphists,
documented by numerous examples. Among the potters belonging to the firm of L. Umbricius Scaurus, we find one Aes-
chines who signed L VMBRICI / SCAVRI AE(schines), one
Artemo who signed L VMBRICI / SCAVRI ART(erno), etc.
More interesting is the case of Icarus, who signed indifferently
SCAVR. / ICAR, ICARVS / L VMBR(ici), or L VMBRICI / SCAVRI IC(arus).
In the same way, Rufio signed indifferently
RFVIO / L VMBR(ici), or L VMBRICI / RFVIO.
In spite of the fact that the form with tria nomina was not necessarily expected in the first century A.D. to designate the principal, the stamps often
display the name of the principal with tria nomina before the agent’s
cognomen, thus avoiding the ambiguity that makes it so difficult for
modern scholars to determine the status of the person(s) referred to.

The workers’ servile status is not explicitly indicated in the stamps,
except in a few cases to be discussed later on. The shape of


sibili, con abbondanza di nomi di schiavi precoci o seguiti da prenome e gentilizio del

dominio (meno numerosi i buli di liberti).”

300. CVA Ret 2409.

301. CVA Ret 2410. Cf. also CVA Ret 2412: L VMBRICI SCAVRI / NO(thus) STA(ut liber?) (cf. below); CVA Ret 2413: L VMBRICI / SCAVRI ZET(thus); and

CVA Ret 2418-2459.

302. CVA Ret 2406.

303. CVA Ret 2441.

304. CVA Ret 2451.

305. CVA Ret 2450.

306. CVA Ret 2451.

many stamps adds to the difficulty of decoding the name(s) they con-
tain: the names are written on two lines and it is not always clear
whether or not the second line was meant to represent a different
person from the first line. As we have seen in the section on bricks
and tiles, the problem is even more acute with circular stamps,
because sometimes there is no way to tell in which order the names
were supposed to be read. The conclusion to be drawn from these
remarks is that in most cases we remain unable to identify the social
status of those who signed terra sigillata vessels, and therefore any
statement to the effect that the production of Arretine pottery was
mostly carried out by freedmen rather than by slaves should be
regarded as lacking firm textual basis.

The social status of the workmen who produced and sometimes
signed the terra sigillata pottery is most often uncertain and rarely
explicitly stated. We have seen that Saurus, slave and freedman of L.
Sarius, used to advertise his status on his stamps with the adjonction
of an S or L standing for serus or libertinus. Other similar instances
are rare. A few stamps might refer to statuliberi (conditionally
manumitted slaves).

H. Comfort once suggested that

307. J.H. D’Arms, CSSAR (1981) 164, for instance, considers the potters Ateii to be comparable to other families involved in “far-flung independent business enterprises,” like the Sex. Fadis or the Barbis, “who are freeborn, politically powerful, with geographically extended and well-organized shipping concerns.”

308. CVA Ret 1665-1666.

309. The only other instances known to me are CVA Ret 133: DAMAS AR(i) Q.S.;

CVA Ret 647 (= 2428): EROS / V L S, standing for V (mbrici) or V (ernas?)

L(uci) S (servus), or something else; CVA Ret 1647: FAVTVS SVLNTARIAE

SER(vos); CVA Ret 157: CN ATEI / CN L DEI (pobulus); CVA Ret 168, no. 34:

CN ATEI CN / L MAHES (dubious).

310. CVA Ret 2040: DIODOR / TITI STA, who is otherwise known (CVA Ret 2914) as

C TITI / DIODOR; CVA Ret 2042: HERMI / TITI STA, who also signed (CVA Ret 2024) C TITI / HERMI; CVA Ret 2044: PRIMIG / TITI ST, perhaps the same as


1; 168; and 208-09. A doubt remains as to whether this interpretation of STA(ut)

is correct, since statuliberi are not common in the inscriptions, cf. ILS 8260 (= N.S. 1896, p. 192, Cuman): “... qui testamento statu libertatis relicti esset.”


(Rome 1981) 29-33; and P. Garnsey, “Independent Freedmen and the Economy of

Roman Italy under the Principate,” Kris 63 (1981) 362, with reference to


2-6 XII 1975 (Warsaw 1979) 227-38.
most gentile names are adjectives in -ius, but until the time of Augustus the ordinary man did not customarily pronounce his name in the full nominative form in -ius, but in the form in -i which was the commonest in daily life. Stamps reading Atei or Cn. Atei, ... for instance, can represent either the genitive or the vocative (= nominative). Indeed, nominative forms in -ius or -iu(s) are so uncommon that in the case of Atei or Cn. Atei standing alone it must be the vocative-nominative that is intended.\[31\]

This statement is debatable, to say the least, as many instances of stamps in which the nominative in -ius is spelled out demonstrate.\[32\]

b. women as potters (or managers) and firm owners

To support his theory about the use of the vocative, Comfort cites two stamps which, according to him, display an unambiguous vocative: ATTICE / P CORNE;\[33\] and ATTICE / C TELLI.\[34\] Comfort understands ATTICE as the vocative of Atticus, which is grammatically correct. It probably did not escape him that Atticus is the transliteration of the female Greek name 'Attikē', which is not uncommon in inscriptions.\[35\] Female potters were not so exceptional as to make the vocative-theory compelling.\[36\] If the interpretation presented here is correct, it does not mean that these women were necessarily mere workers employed in a workshop. Women, like...
large workshops were organized along the same lines as agricultural estates, with a pyramidal hierarchic structure. This is a reasonable hypothesis, demonstrable in other types of managerial or production units (for instance, mints), but there is hardly any evidence to support it in the context of ceramic production.

Exceptionally, a signature contains an elliptic reference to the position of the potter/manager within the firm. Diomedes, slave or freedman of one of the Vibi, signed some of his stamps DIONE / VIBI and DIONE / VIBI PR, which have been interpreted as contrascriptor (or contrascriba) and PR(ocurator), respectively. Such reconstructions of these abbreviations are possible, but not entirely warranted. PR could stand for PR(aepositus), although epigraphical usage would favor in this case the abbreviation PP. The stamps do not say whether Diomedes was working for Vibia or for himself, and whether or not his titles are connected with his industrial activity. One can imagine that in the position of contrascriptor (a slave in charge of controlling the accounts) and procurator (always a freedman entrusted with the administration of someone’s affairs) Didomode might have enjoyed some economic autonomy and owned (or leased) a pottery, in which he was employing a few slaves. Otherwise, as a slave or a freedman, he could have been appointed instator/officinarius to run his master’s/patron’s workshop. In any case, Diomedes’s signature is exceptional and probably idiosyncratic. It may reflect Diomedes’s pride about his social promotion from slave potter or even assistant to the position of agent in charge of his patron’s business interest.

In some cases, the signature specifies the function of the signing worker within the workshop. A few stamps on decorated vases found in Gallia Narbonensis explicitly refer to the owner or maker of the matrix of some kind of decorative element used for pottery: FELICIS CERA or CERA FELICIS. Besides, a late stamp from Africa (exact origin unknown) on a sherd of red pottery reads: EX OFICI-NA (sic) QVOD/VVLTDEI Tzaconis / CRESC(es) PVIYL/ VM FECIT. Thus, the worker Crescens, who was attached to a workshop belonging to one Quodvultdeus Tzaco, takes credit for making a tool (poignier). These instances illustrate the fact that stamped signatures may refer to specialized part makers instead of workshop owners or managers.

4. The organization of the industry

a. size and importance of firms

The relative size or importance of any firm can be estimated by the overall duration of its activity, the range of its diffusion, and the number of people whose signatures are associated with it. G. Prachner, for instance, concludes that Cn. Ateius’s familia was prosperous during at least 33 to 40 years, thanks to its domination of the Rhine market. One late member of the group, Cn. Ateius Arretinus, may even have been active as late as the 60’s, thus extending the period of activity of the Ateii over more than eighty years.

The stamps preserve the names of the slaves and freedmen attached to the main firms and the quantity of those which have been catalogued (2,600 in CVAarr) is large enough to provide a data bank unlikely to be invalidated by further discoveries. The large-scale producers are P. Cornelius, who is represented by sixty-five persons; Rasinus, with sixty persons; L. Titius with more than fifty-three persons, etc. As G. Pucci points out, these figures are meaningless, since we do not know whether the signatures represent potters, foremen, workshop managers, or factory owners. One can compare the organization of Arretine firms, in which dozens of workers were involved, with the Gallic pottery industry. In Lezoux, for instance, the largest firm was that of Cinnamus, whose bowls exhibit only seven different signatures. These names could represent Cinnamus’s

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293 C. Delplace, Ktêma 3 (1978) 61.
232 CVAArr 2343-2345. Cfr. G. Prachner (1980) 156-59; and 206. According to C. Delplace, Ktêma 3 (1978) 61, the three terms designate "le représentant, le mandataire du propriétaire ou du maître-potier de l’atelier, à la fois administrateur et contrôleur." I doubt that both functions would be performed by the same person.
234 G. Prachner (1980) 156-59, who unconvincingly argues that Diomedes could have been a procurator before manumission. There is no evidence supporting this assertion, as the chronology of the stamps is not strictly established.
235 10, 567, nos. 9, 17; and 18c-c (→ ILS 8606c and d). Cfr. also 8606a (APOLLINARIS CERA); b (ApOLLINARIS CERA); and e (LATIN[i] / CERA).
workers or agents, or even independent craftsmen who had purchased Cinnamom’s moulds.328

D.P.S. Peacock brings another element into the discussion: the archaeological remains of identified kilns. The size of the levigation tanks of the potter Perennius, which could hold some 10,000 gallons, points toward very large units of production that imply some degree of division of labor and of specialization.329 Peacock’s view is admittedly impressionistic, but the archaeological material on which he relies fits nicely the picture provided by the study of pottery stamps.

b. collective enterprises or partnerships

On occasion, Ateius himself and another potter, ATEI / TETI, 330 or two of Ateius’s slaves/freedmen are attested jointly in stamps. G. Prachner thinks that such associations were of short duration, as it appears that in all cases pairs of partners soon split and started operating independent workshops, possibly in different locations.331 An interesting case, perhaps connected with temporary association, is provided by one Stabilio, whose signature indicates that he was at times working for three different Ateis.332 It is admittedly difficult to interpret the first stamp, because of its poor state of preservation. The other stamps may theoretically refer to two homonymous slaves. If not, various interpretations are possible: Stabilio could have been sold, donated, or bequeathed by one owner to another; he could also have worked at times for only one of his joint owners.333 Otherwise, it may be that Stabilio was owned by one of the two freedmen before they set up their partnership, and went to the other after they dissolved it or after the death of one of them. Finally, Stabilio could belong, as part of the instrumentum, to a single workshop which passed from one freedman to the other.334

c. transfers of moulds and decorative stamps (poinçons)

When a new workshop was opened, the owner or branch manager could bring with him some of the moulds he used in his previous position. For instance, a slave insitior/officinaric sent to Gaul or to the Rhine border to start a subsidiary workshop would transfer there moulds made and perhaps already used for a while in the main Italian factory. This practice is attested in La Muette at Lyons, where chemical analysis of Ateius’s moulds showed that their content of titanium dioxide and magnesium oxide points toward an Italian origin.335 One has to remember, however, that a manumitted slave could also take away with him any part of his peculium that his former master did not claim for himself. Then, the question arises whether moulds and poinçons were part of the instrumentum of the workshop or belonged to the slave’s peculium. Both solutions are possible. Consequently, the find of a mould made in Italy in a workshop in Gaul is no cogent evidence for branch workshop.

The signatures found on tableware could represent any stage of a threefold process, starting with the making of decorative poinçons, continuing with the making of moulds, and finishing with the making of the vessel. These three stages could be carried out independently from one another. Moulds and poinçons could travel widely and be objects of trade. Consequently, the actual maker of a vessel could have no connection whatsoever with the workshop where the mould originated.336 Therefore, it is important to figure out to which stage any stamped signature belongs.

5. Purpose of the stamps

As mentioned above, the interpretation of the stamps is far from being simple and straightforward. They could represent the men who made the vessel, or the proprietors of the firms. Other types of signatures clearly represent the makers of the moulds or poinçons, or

330 CVAr 173.
331 CVAr 182: ATEI CREST / ET EVHODI (or variants); CVAr 183: ATEI MAHE(tia) / ET ZOELI; CVAr 186: XANTH(i) SOIL. Cf. G. Prachner (1980) 32.
332 CVAr 162: (Stab)Lit(o) / (Ate?) EVHOD; CVAr 184: MAHETIS STABILIO; CVAr 185: ZOILL / STABILIO.
334 On the composition of the instrumentum of a managerial unit (fundus, taberna, officina, statio, etc.), cf. Chapter Two.
336 S. Treggiari, RFLR (1969) 91; B. Hofmann, "Marques de potiers, de producteurs de moules et de fabriquants de poinçons," RCRF Communications 2.11 (1969) 61-62; and G. Pucci, "La ceramica italica (terra sigillata)," SRPS II (1981) 99-121, esp. 115, showing that the same poinçon was used by Xanthus, a potter attached to Ateius’s concern, and by L. Rasmussen Pianus.
some bowl finishers (who added the footstand). Sometimes, it is obvious that a mark refers to one particular operation, for instance when the name appears in cursive script below the decoration or on the plain rim band (Dragendorff 30 or 37). The presence of several stamps of different types on a single vessel points toward a division of labor, but it is not clear whether potters, makers of moulds and poinçons, and other specialists were independent from another or belonged to the same workshop.

Pottery stamps present various forms, and it is not easy to ascertain whether the difference between these forms was significant. In a recent report on an on-going study of ca. 4,800 stamped sherds found at Vechten (Netherlands), M. Polak identifies six types of stamps: (a-c) stamps containing the words officina, facit, or manu; (d-c) stamps featuring names in the nominative or genitive forms; (f) others. The vessels were made in La Graufesenque between the early first century A.D. and the Flavian period. The preliminary conclusions drawn from the study of this material suggest that the potters whose stamps feature the word facit or manu, or a name in the nominative form are modestly represented at Vechten and would therefore be small producers. At the other end of the spectrum, the potters whose stamps regularly display the word officina are better represented at Vechten and consequently would have been attached to larger units of production. The stamps composed of a name in the genitive form are inconclusive. On the basis of this analysis, Polak speculates that large workshops became more and more important at La Graufesenque around the middle of the first century A.D.

More work is needed to confirm or invalidate this theory in the context of pottery production in Gaul in this period, but it seems already possible to assert that such conclusions would not apply to other types of material (bricks, tiles, amphorae, lamps, and lead pipes) produced in Italy in the late Republican and early Imperial periods. The very purpose of the stamps is puzzling. The assumption that stamps were meant for consumers in order to enable them to identify the producer of a good is not always valid, because it is not exceptional for a signature to be invisible to the consumer. For instance, the signature PRIMI found on the footstand of a vase of Šarius-type from the Magdalensberg was stamped on the part of the stand that would be pieced together with the body of the vase. Primus was certainly a worker specialized in the production of footstands; the signature on his products is probably not to be compared with signatures thought to represent the owner of the firm or his representative. The same is true of the signature PROV(incialis) on a Dragendorff 37 bowl found at Pfaffenhofen. The stamp was covered before firing, which indicates that Provincialis was a potter in charge of making the core of the vessel, which was subsequently finished and signed anew by one RIP[an]VS, a well-known potter of Westendorf.

The use of abbreviated signatures, monograms, and symbols, clearly points toward the same fact. Some kinds of signatures could have an internal function that remains unexplainable to us. The fact that some wares bear more than one signature supports the hypothesis of division of labor within a single workshop or among several ones. E. Schindler-Kauldela is among those who suggest that big firms would deliver semi-finished products to smaller, possibly independent, workshops, but once again the evidence is inconclusive.

There is no reason why the person referred to in the stamps in the genitive form next to a slave's name should be considered the owner of this slave. This person could be the owner or lessee of the workshop, and the stamp should then be read: (ex officina) MAHETIS STABILIO (fécit), the legal relationship between Mabes and Stabilio being explained in terms of employer/employee or principal/

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327 D.P.S. Peacock (1982) 124; B. Hofmann, "Les relations entre potiers, fabricants de moulés et artistes producteurs de poinçons," *RCFR* 13 (1971) 5-20, esp. 7 and 12-13, n. 7, considers that a mark on the rim represents the signature of the potter.


331 H.-J. Kellner, *RCRF Communications* 2.10 (1969) 47-49, and ibid. 2.12 (1971) 74-75. It is unclear to me why Kellner attributes this bowl to the workshop of Helenius.

agent. Stabilio could be owned either by Mahes or by a third party, in which case he would be a mercenarius. Regardless of whether the name in the genitive case refers to the owner, principal, or employer (conductor servorum or conductor operarum servorum) of the slave—and a single person could, and probably commonly did, play all three roles—it seems almost necessary to postulate that the meaning of the stamps was straightforward for whomsoever they were addressed to. If they were in any degree confusing, they would miss their point and therefore be useless. In my opinion, the stamps served as a label of guarantee. By identifying the person ultimately liable for the quality of the product and his/her principal, it enabled a dissatisfied buyer to bring a law suit against the producer (agent or principal). Unfortunately, there is no evidence, as far as I know, for litigation connected with pottery-making.

6. Conclusion

In the second century B.C., the emergence of larger units of production in the ceramic industry was made possible by the existence of a quantitatively growing, yet qualitatively less-demanding, market. This phenomenon, combined with the intervention of developing networks of distribution, provided adequate conditions for the introduction of managerial innovations in this increasingly concentrated sector of the economy. The result seems to have been a rise of the production, soon to be followed by stiffer competition and the necessity for both producers and distributors to respond to market conditions in a more personalized manner, through diversification of the products, distant exports, or relocation of the centers of production closer to the consumers. This may have been done mainly through transfers of workshops or the opening of branches.

Exports preceded the conquest, but the pacification of the western provinces induced dynamic entrepreneurs to take advantage of the new conditions created by this historical development by establishing branch workshops in areas where the army provided numerous consumers of manufactured goods with adequate purchasing power. The mobility of the army during the phase of expansion of the empire called for a relative mobility of the centers of production.343

The success of Italian-based entrepreneurs, such as Aco, L. Surus, or Cn. Ateius, is illustrated by the wide distribution of their products made in the few identified—and numerous surmised—branch workshops located at first in neighboring regions and ultimately in more distant provinces. The high standard of quality brought by transient potters or dispatched agents may have played a significant part in securing the reputation of provincial products that soon superseded Italian pottery, first in remote areas, and to some extent also in Italy proper, by the middle of the first century A.D.344

Apart from a few account-lists scratched on plates and discovered here and there, potters’ stamps constitute the main written evidence for the organization of the industry. They should not be used as a basis for the identification of the potter’s status, but as evidence for a relationship between principal/employer and agent/employee. Their reading is ambiguous, and a new approach to the interpretation of the names should be adopted in view of the nomenclature used in inscriptions down to the Augustan period. The structure of the stamps written on two lines leads me to propose the following reading: “(from the workshop of) X, Y (made it),” which corresponds to “Y, who belongs to, or works, for X, is responsible for the production of this item.” Consequently, the names which have been taken to represent freedmen on the basis of the tria nomina—an interpretation which is undoubtedly correct in some cases—should be subjected to a critical review. The names in the stamps can represent owners, managers, ranking staff members, or designers. Exceptionally, the stamps contain some veiled indication of status or evidence for partnerships of potters. One of the possible purposes of the stamps is to advertise the origin of the products in order to make the producers (agent and/or principal) of faulty artifacts liable to a legal action on the part of the consumer.

The importance of individual enterprises can be measured by the number of people signing their products and by the length of time during which their activity is recorded. The size of a workshop is more difficult to establish, unless adequate archaeological data, such as levigation tanks, kilns, or drying areas, are available.

Considering the evidence as a whole, it seems that Ateius and his

343 E. Eutlinger, RCRM 25/26 (1997) 5-8 notes that maps of distribution of the earliest Arretine stamps (of A. Titius and Sex. Annius, ca. 30 B.C.—A.D. 20) show
peers were for quite a while successful entrepreneurs who trained and set up their employees in similar business enterprises, sharing moulds and poinçons with them. Some of these employees obtained their manumission and continued in the same line of business either as agents or as competitors of their patron. G. Prachner, who believes in the possibility of telling apart freedmen from slaves in the stamps, states that among all known Ateius’s potters fifteen are attested only as freedmen and four only as slaves. He also speculates that Ateius sent his freedmen to the provinces as branch managers, with the authority to run the workshop and the capacity to form partnership. Those managers took credit for their activity by signing their products. This would account for the continuous activity of some firms over a long period of time, which does not necessarily imply that the trade promoted the entrepreneurs to the ranks of the wealthy. Even though some names are found in many locations across the Western provinces and in various chronological contexts, it is not enough to assume the existence of a well-to-do bourgeoisie involved in ceramic production.

The above considerations have been based on the examination of the stamps and their distribution. More could be learned from a systematic study of typological variations within each potter’s production as they could reflect the practice of different workshops. The picture is complicated by the fact that potters are known to have been quite mobile, and what could be considered as a branch workshop might simply be the new location of the center of production of a potter previously connected with a different place.

Finally, it should be stressed that this type of evidence is scarcer in the East. H. Comfort once said that the opening of branch factories was a sign of vitality absent from the East, where independent ‘little men’ rather than overseas representatives of large Italian concerns were expected.

1. Historical outline

The production and marketing of terracotta lamps present basically the same problems as those dealt with in connection with terra sigillata. The manufacturing stage requires the combination of cheap and almost ubiquitous raw material (clay, wood, water), storage room and kiln, and limited skill on the part of the worker. The product, in its simplest form, was affected by variations in craftsmanship and could be improved by the addition of various artistic decoration to the effect that the consumer in an adequately-provided market could choose between well-differentiated products. Even in the case of lamps of the highest quality, the use of moulds in the manufacturing process would ensure that mass production would not necessarily be sacrificed to aesthetic refinements.

Lamps, like terra sigillata vessels, often bear stamps on their outside bottom part, so that much of what has been said in the previous section about pottery stamps applies to lamps as well and will not be repeated here. For both categories, stamps first appear—or reappear—around 50 B.C. The lamps studied in this section belong roughly to the same period as the signed terra sigillata vessels, but the boom in the lamp industry and trade occurred slightly later. The evidence provided by those lamps which originated in Italy and are attested in several provinces permits us to follow the development of Italian manufacturing organization during a period when Italian producers of terra sigillata were already losing control over provincial markets.

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347 H. Comfort, in T. Frank, ESAR V (1940) 188-94, esp. 194. The only stamp known to me which might point toward the activity (production or distribution) of a branch manager comes from Asia Minor (CVAr 2132: PVDE(n)S / L. TTTI).
349 J.-P. Morel, “Les producteurs de biens artisanaux en Italie à la fin de la République,” in Les bourgeoises municipales italiennes au IIe et Ier siècle av. J.-C. (Paris/Naples 1983) 34. W.V. Harris, “Roman Terracotta Lamps: The Organization of an Industry,” JRS 70 (1980) 126-45, esp. 128 allows for a later date (“20s B.C. , or perhaps slightly earlier, but it was only in the last years of the first century A.D. that signed lamps reached something like their full geographical range”); C. Pavolini, “Le lucerne nell’Italia romana,” SRPS II (1981) 139-84, esp. 152-53, with the example of the North Italian production of C VI B (or TIBVR / C VI B) (= CIL V 8114, no. 130), dated to 100-50 B.C., found at Aquileia and on the Magdalensberg, perhaps associated with a gens Vibia attested in Arezzo (cf. Pavolini’s appendix 181).
2. Italian factory lamps (Firmalampen)

A significant proportion of preserved lamps bear the makers’ names in Greek or in Latin, hence the label of “factory lamps” (Firmalampen) attributed to them. According to their pattern of distribution, it is possible to distinguish four groups: the first two groups include brands which were distributed on a local or regional basis. The third and fourth groups include marks found in several provinces: Group III, which will be the focus of this section, is centered in Northern Italy and covers most of the Northern provinces. The marks feature the producer’s cognomen alone in the genitive form (e.g., PHOETASPI). Group IV is centered in Central and Southern Italy and spread around the Western Mediterranean. The marks contain the producer’s name with tria nomina in the genitive form (e.g., C OPPI RES (tituti)). It is difficult to explain the difference in stamp form between the two groups, which overlap in some places. The stamps do not convey any message about the social status of the persons they represent, but it is remarkable that the lamps of Group IV, which are conspicuous by the richer decorative motifs exhibited on the top of the lid, follow a different pattern of distribution from those of Group III. It seems unlikely that the difference between the two forms of stamp reflects a variation in the organization of the industry. It is possible, however, that each group stems from an independent tradition.

3. Patterns of distribution

W.V. Harris presents some statistical data concerning the distribution of factory lamps belonging to Groups III and IV. In Group III, the commonest mark is that of FORTIS which was found in great numbers (in the hundreds) in Northern Italy, Switzerland, Pannonia, Dalmatia, Dacia, as well as in the Germanic and Gallic provinces. The FORTIS lamps are found more sporadically in Central Italy and appear to have found their way to Spain or North Africa only exceptionally and not necessarily in connection with long-distance or large-scale trade. A similar pattern of distribution is attested for the marks ATIMETI, CRESC(enti)S, PHOETASPI, STROBILI, and VIBIANI. These marks are combined with various types of lamps (in particular Loeschke IX and X), but the lack of information available in modern catalogues on this particular aspect makes it difficult to draw any conclusion from it. Harris points out that type diversity is less significant for Firmalampen than for Bildlampen (figured lamps), for which up to twelve types are known in connection with the same mark.

On the basis of this material, the main questions to be addressed are: (a) were all lamps bearing the same mark and found in several provinces manufactured in one factory, located in Italy or elsewhere, and then exported? (b) if the answer to this first question turns out to be at least partially negative, then were there workshops subsidized ones, i.e. operated by the agents of the owner of the main factory, or were they independent workshops producing unauthorized copies? and (c) was there any other alternative? One can imagine, for instance, that some well-known potters transferred their workshop from Italy to some provincial location—and several successive movements are possible, especially if those potters are involved in the supplying of a Roman legion. Another possibility would be that a slave/freedman/employee of the owner of the main factory left with a small capital (peculium) to start an independent workshop; however, the concept of independent local potter operating under patent would be anachronistic.

The answer to these questions need not be simple, and it is fair to suspect that all the practices listed in the previous paragraph coincided in some areas. Some regional trends can be identified. In a
study of Roman lamps of Carthage, J. Deneauve notices a decline in quality in the second half of the first century A.D. and a tendency toward simplification. The conquest and Romanization of the provinces provided favorable circumstances for exports from Italy, soon to be challenged by local products and imitations, resulting in the gradual disappearance of Italian makers' marks in the second century, at least in North Africa. Deneauve distinguishes four stages of development: the first stage was characterized by significant exports from Italy to North Africa (late Republican period to second century A.D.) of lamps which increasingly bear marks, some of them encompassed in a foot-print (*in planta pedis*); the second stage saw the opening of new workshops, some of them in Africa (such as the *officina Pullenorum*), perhaps in connection with the exploitation of large estates by Romanized provincials whose social rise is attested in the second century; the third stage started with the appearance of specifically African types, derived from Italian lamps, made for instance by M. Novius Iustus, a famous producer who might have started in Italy in the first century A.D. and who is thought to have established branch workshops in the provinces, attested both in Hadrumetum (find of kiln refuse) and in Montans;357 and the fourth stage consisted in making new moulds from actual lamps (*surmoulage*) in secondary workshops producing very simple artifacts.358 These four stages might have developed concurrently, at least from the beginning of the second century.

a. exports

The question of exports has to be examined first. Harris, who is most skeptical about the economic rationality of exporting low-price


items, recognizes that lamps were sometimes exported over long distances. For instance, a cargo of lamps manufactured somewhere in Italy in the 40’s A.D.—or possibly under the reign of Nero—by the potter C. Clodius was found on the shore of the Balearic Islands, in the wreck of a ship bound to Spain. The load consisted of at least ninety lamps with a mark *in planta pedis*, but the number might in fact be much larger. Interestingly, they belong to four distinct typological groups and bear various decorative motifs. Each prototype is represented by two to seven copies from the same mould. It illustrates the diversity of the production of the potter Clodius, which is so far only rarely represented elsewhere: three lamps bearing his mark were found in Rome,359 and individual examples exist also in museum collections in Tunis, Sevilla, and Cyprus, which is not to say that they were found in the vicinity. One can infer from this very thin distribution that Clodius manufactured lamps during a short period of time and on a rather moderate scale. That did not stop him from reaching markets overseas.360 The low cost of sea transportation made it possible and economically sensible. We do not know whether the ship which transported these lamps was operated by Clodius’s agent (*magister navis*) or by an independent shipper.

b. impracticality of land transportation

Harris regards as unlikely the transport of lamps overland for commercial purposes, because of the assumed high cost of land transportation in antiquity. In these costs one should include (a) the initial investment, maintenance, and replacement of the personnel (*muliones*, etc.), animals (*donkeys, oxen, etc.*), and material (*carts, crates, boxes, etc.*) necessary for the transport of goods; (b) the fees collected by middlemen in charge of transportation, temporary storage, and wholesale and retail distribution, expenses that were lower when the operation was carried out by the producers’ agents; (c) the customs dues (*portoria*, between 2.5 and 5% of the value of the goods) collected at provincial borders by contractors or agents of

359 *CIL* XV 6375, nos. 1-3.

360 G. Domergue, ‘‘Un envoi de lampes du potier Gaius Clodius,’’ *MCV* 2 (1966) 5-40, esp. 7 and 14-19, cited by W.V. Harris, *JRS* 70 (1980) 135, n. 70. Harris stresses the relatively early date of this shipment in the history of signed lamps, implying that what was done in the 40’s A.D. does not necessarily fit a later period. D.M. Bailey (1980) 92-93 provides additional material which might support a later date for Clodius’s production.
the imperial administration;361 and (d) the losses due to breakage. Consequently, the market price in the provinces of lamps made in Italy would have been too high to compete with the presumably low price of local products and, in any case, the margin of profit of Italian manufacturers would have been considerably reduced.362 On the basis of these considerations, Harris suggests that Italian factory owners had little choice but to open branch factories near the centers of consumption. The main evidence in support of this hypothesis is provided by the legal remedy (actio insititia) created by the Republican praetor and granted to businessmen entering into commercial transactions with authorized, i.e. appointed, agents.

The lack of reliable data on prices of lamps and costs of transportation makes it impossible to calculate the comparative profitability of branch workshops vs. exports. Even though one should be aware of understimating the capacity of transportation by cart or pack animal,363 the availability of river transportation,364 and the pract-

361 If the export of lamps was intended to supply the Roman legions—each soldier carried a lamp as part of his personal equipment—the merchants carrying out the shipping were exempted from such excises, cf. Paulus (5 sent.) Dig. 39.9.9.7 (= Sent. 5.1a.8), cf. G.R. Whittaker, "The Trade and the Aristocracy in the Roman Empire," *Opus* 4 (1985) 49-75, esp. 55-57.

362 W.V. Harris, *JRS* 70 (1980) 133-35: "In practice lamps are not at all likely to have been carried even a hundred miles unless there was an assured market at the other end of the journey, a market large enough to be profitable but also backward enough to lack qualified potters of its own."


364 G. Uggioni, "La navigazione interna della Gialispina in età romana," *AAAD* 29 (1987) 305-54; and W.V. Harris, "Trade and the River Po: A Problem in the Economic History of the Roman Empire," in J.-Fr. Bergier (ed.), *Montagnes, fleuves, forêts dans l’histoire* (St. Katharinien 1989) 123-33. The case of Pannonia, cality of supplementary cargoes (at least waterborne).365 Harris’s hypothesis is sensible. However, even though branch workshops run by *insititia* might have been common, they remain entirely hypothetical. As D.M. Bailey rightly puts it, "the facts are unknown, the ramifications so complex and the possibilities so endless, that it will never be established what really happened Empire-wide."366 But sound skepticism is not inconsistent with cautious speculation, and Harris’s model is worth considering.

4. Branch workshops

Since there is little doubt that, as Bailey and others contend,367 where a high percentage of Group III lamps are preserved (989 lamps or more according to Harris [1980] 130), is telling. A Tcherkia, *Le vin de l’Italie romaine* (Rome 1986) 170-71 points out that only "soixante milles" (= "only about fifty miles") in Harris [1980] 136, n. 76) of easy road (Strabo 7.5.2 [314] and 4.6.10 [207]) separated Aquileia from Naupactus (a river-port on the road to Emona, where activity is attested already in the middle of the first century B.C.), from where goods could be transported by boat to the River Sava and then to the Danube across Panonie and Upper Moesia. Another easy stretch would bring them from Celje to a tributary of the Drava. The wine trade from Italy that supplied the Roman legions and Italians established in the Danube provinces might have provided the momentum for the export of Italian-made lamps transported as supplementary cargo.

365 C.R. Whittaker, *Opus* 4 (1985) 54-55; and R. Duncan-Jones (1990) 49: "Traders whose ships carried foodstuffs in one direction still needed goods for the return voyage, and could not necessarily fill their holds with high-priced luxury goods."

366 D.M. Bailey (1987) 62 points out that "there are many examples of lamps bearing the names of Italian or African makers, found in provincial areas which were undoubtedly made in those provincial areas," citing (n. 12) as examples the lamps of the Italian maker L. Munatius Thepensis and of the African M. Novius Iustus (cf. above). The same author acknowledges the existence of branch workshops for the mark PHOETASPI in Italy and Egypt, ROMANESIS in Cnidius and Dalmatia (unpredict the latter location was a place of export—it has been demonstrated since then that the ROMANESIS lamps were produced in Cnidius or Mileus), and FAVSTI in Egypt and at Petra (*Greek and Roman Pottery Lamps* [London 1963] 24). C. Pavolini, in W.V. Harris (ed.), *The Inscribed Economy* (1983) 65-71, speaks, in the context of the organization of the industry in Central Italy, of "catene" di officine collegate fra loro, e gestite da più liberi per conto di un unico patrono."

lamps were indeed exported in massive quantities in all provinces of the Empire, the practicality of the model of branch workshops favored by Harris must be accounted for with a different explanation. The reasons why Italian manufacturers might have thought suitable to open subsidiary workshops in distant locations need not be of an economic nature, i.e. based on consideration of compared profitability, but it is still tempting to consider the problem in terms of entrepreneurial policy. If it is taken for granted that the costs and inconveniences of land and water transportation in themselves constituted no insuperable obstacle, one should consider the positive aspects of decentralized production.

a. the search for available or cheaper manpower
The availability of adequate labor forces in the provinces might have encouraged some businessmen to relocate part of their production facilities at a time when Italy might have suffered from chronic manpower shortages. This is exactly what companies in industrialized nations are doing today in order to lower their labor expenses. We have seen in the general introduction to this chapter that at La Graufesenque potters and kiln operators were assisted by non-skilled workers (Ateleia’s slaves) who performed menial, though essential, tasks. However, this was certainly not the primary reason for the development of provincial branches, as the manpower needed for such an operation was not great.

b. increase in flexibility
The advantage of having branch workshops in various areas allowed local managers to respond to the fluctuations of the market in a much faster and more efficient way than a distant producer would have been able to do. Provincial production became massive in the second century A.D., and the phenomenon of decentralization of the production, if it really occurred, might have corresponded to a stage in the economic history of Rome when Italian producers were in the process of losing their external markets and had therefore to be more sensitive to qualitative and quantitative changes in demand in the provinces. Rostovzeff’s view on the decline of the Italian economy as a consequence of the loss of external markets in the second century A.D., criticized by Harris and defended by Bailey and Procaccini, need not be questioned on the basis of the organization of the lamp industry. 360

5. Organization of the production
The marks found on factory lamps are not any more explicit than those found on terra sigillata pottery. Some common names, such as Communis, Crescens, Felicio, Felix, Fronto, Ianarius, Inven-tus, Optatus, Saturninus, Titius, Vibius, are found on both artifacts, but we do not know whether they refer to the same persons. 359 There is no way to tell if they were agents or independent entrepreneurs (including slaves with peculium), because the marks on lamps, consisting often of a single cognomen (= Group III), do not provide as much information—ambiguous as it is—as those on terra sigillata pottery (cf. above). We do not know either whether the names refer to potters, branch managers or factory owners, as the genitive ATIMETI could be understood as (opus) ATIMETI, or (ex officina) ATIMETI, or (ex figlinis) ATIMETI. 370

a. marks, symbols, and letters
Three interesting facts are worth mentioning in the context of a study of the system of production. First, the presence of symbols or single letters next to the signature of the lampmaker deserves some attention. E. Buchi regards them as evidence that large producers were trying to avoid the inconvenience of centralized production by entrusting part of it to small potters. 371 The symbols would serve as a sign of identification, i.e. as guarantee of the integrity of the product. They might also reflect internal practices within the same workshop, although this would not account for the fact that the same

15 (1991) 1-45 demonstrate, through the analysis by X-Ray Fluorescence of some 121 lamps found in the legionary camp of Vindonissa (first century A.D.), that 90% of the lamps were imported from Modena, Lyons, and Trier, while the rest was imported from minor workshops, none of which was located in Vindonissa. It is remarkable that the lamps found in Raetia (Regensburg), signed with names from Northern Italy, and dated to the second and third centuries A.D. were in part the products of local workshops, while all imports came exclusively from Modena.

360 Some Ateius’s lamps are also attested, cf. CIL XV 6316 and perhaps 6313.
370 E. Buchi, Lucerne del Museo di Aquisgr. I. Lucerne Romane con marchio di fabbrica (Aquileia 1975) XXXVII-XLI.
371 E. Buchi (1975) XXXVI.
symbol appears on the products of several independent firms. For instance, a dot surrounded by a circle above the mark is shared by the firms of Agilis, Atimetus, Bebianus, Cerinaiis, Communus, Favor, Fidias, Fortis, Fronto, Igeidius, Litogenes, Lucius, Nerius, and Octavius. Temporary collaboration between workshops might account for this fact, but one should remark that these symbols are extremely common (dot, palm, star) and are not specific to lamps, as any numismatist could attest.

On the other hand the lamps of Fortis bear thirteen different symbols and eight different letters (F, I, N, A, P, S, and E); Buchi suggests that these letters represent individual officinae, which is quite possible, but it is not the only possible explanation. Each letter could be connected with an individual worker within the same workshop, perhaps reflecting the owner/manager’s policy aimed at favoring internal competition. Another possibility is that every letter refers to a period of production of the same unit and has nothing to do with the personnel.

b. lid and tank: mould links
In contrast with vessels, lamps were made out of two moulds, one for the top part and one for the bottom one. The top part, i.e. the lid, is often singularized by some decorative elements and the bottom part, i.e. the tank, bears the signature. The combination of a lid and a tank makes a single product, a lamp, that can be identified in the same way as a coin is identified by two dies. The comparison between lamps and coins is not idle, because ideally, if we had large enough series of lamps with the same design, we should be able to establish mould links in order to trace signs of cooperation between potters, transfers of personnel or moulds from one workshop to another, or internal changes. Due to the ratio of preserved lamps to the total output and due to the state of cataloguing for those lamps which have been recovered, instances of mould links are rare, but they exist. For example, the same upper mould was used in the case of two lamps bearing different marks on their lower part (L. CAE- SAE or FIORENT). The nature of the relationship between these two people is not clear, but it is possible that they were successive managers of the same workshop. This hypothesis seems to me more convincing than that calling for an association of, or collaboration between, independent potters, but it is not verifiable. As we know nothing of the relationship between producers of moulds and lampmakers, provided that they were two distinct groups of people, isolated cases of mould links are of limited value at this point in the study of the organization of the production.

c. generations of moulds
W.V. Harris rests his case for the existence of branch workshops in the provinces partly on the fact that if lamps made in the provinces were unauthorized copies of Italian lamps they would exhibit differences in size—the extent of which is unclear to me—as secondary moulds were made out of an existing (imported) lamp. On the basis of median length figures, Harris asserts that lamps bearing the marks of Italian makers found and assumedly made in Pannonia are not significantly smaller than their Italian models, but the very evidence he presents could be used to prove the opposite. Underlining the “limited value” of the size criterion, Harris compares the median length of selected factory lamps and points out that, for instance, FORTIS lamps from Ulphia Traiana/Sarmizegetusa in Dacia have a median length of 8.1 cm, while FORTIS lamps from

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373 E.L. Will, *JFA* 6 (1979) 344, n. 14 thinks that the symbols found on Sestius amphora stamps “trace their ancestry back to coin-types and to the symbols on Greek amphora stamps.”

374 For instance, FORTIS / A; FORTIS / N, etc. E. Buchi (1975) 65-93, cited by W.V. Harris, *JRS* 70 (1980) 140, n. 97.

375 G. Schneider-E. Wirz, *Doc. et Traq. IGL* 15 (1991) 9 demonstrate that some lamps from Vindonissa made in the Trier area (one their Group D) and stamped FORTIS, FORTIS I, or FORTIS/F have the same chemical composition. They conclude that they were made in the same workshop at different times, or by several workshops using the same clay. In the context of symbols found on amphora stamps, E.L. Will, *JFA* 6 (1979) 344 says: “Whether the Sestius devices [ = symbols] refer to a particular potter or pottery or estate or inspector or year, among other possible interpretations, their variety is best exemplified at Sosa.”


377 W.V. Harris, *JRS* 70 (1980) 153-34, n. 56 and Table II.
Pannonia have a median length of 8.5 cm to be compared to those found in Aquileia, which are 9.6 – 9.7 cm long. Provided that these measurements are reliable and significant, they do illustrate a steady decline in size corresponding to the distance from the original place of manufacture in Northern Italy. Dacian lamps would thus have been made out of moulds derived from secondary Pannonian moulds based on an Italian model.

Moulds were often made out of an archetype, and the decoration or marks could be printed on the archetype or added on individual moulds. One archetype could produce several generations of moulds, with the consequence that each generation would be smaller and less precise than its model. Each mould was used to produce a certain number of lamps, and the degree of wear of the mould determined the precision of the decoration on the lamps. What confuses the issue of the origin of lamps is that second- or third-generation moulds are not less likely to have been used by those potters employed in the original workshop than by unauthorized imitators in the provinces. The measurements provided by Buchi for the lamps from Aquileia illustrate the possible range of size variations among lamps produced by a single firm and found within a delimited area.

To return to the case of Pannonian lamps, it is interesting to note the large number of moulds which have been recovered in this province. Harris knows of fifty lower moulds for factory lamps—twelve of them bearing the mark FORTIS—"in addition to many moulds for the upper halves and for other types of lamps." If it is true that these moulds "almost certainly originated in Northern Italy"—and I do not know on what ground this statement is based—

d. social obscurity of the producers
In spite of the mass of preserved artifacts, little is known about individual firms. As FORTIS lamps are best represented, it is worthwhile summarizing the scanty information preserved about their manufacturer(s). It has been argued that the main center of production was located near Mutina (modern Modena), either in a place today called Savignano sul Panaro, where a mould for tile was found with the inscription AD FORN(acre or -aces) CAT(...?) L AEMILII FORTIS, or in Magreta, where a mould for FORTIS lamps was found in a potters' workshop. The production of FORTIS lamps seems to have started in the second half of the first century A.D., probably around the middle of Vespasian's reign, as the mark FORTIS is represented at Pompeii. In the late first century A.D., three main centers of production (near Modena, in Lyons, and near Trier) exported FORTIS lamps to the legionary camp of

378 C. Pavolini, in W. V. Harris (ed.), *The Inscribed Economy* (1993) 65-71 remarks that stamps were not always carved in the matrix.
380 The questionable assumption that surroundage as a technic was practiced only by unauthorized imitators undermines the argument against branch workshops presented by E.W. Hailey, *MBH* 9 (1900) 1-12, esp. 9.
Vindonissa. During the second century, only the Italian workshop retained its vocation for long-distance exports (Raetia), while branch workshops in the Rhine region, in Raetia, and in the other Danube provinces produced for a local or regional market. The firm continued to produce lamps until the beginning of the third century, and the sheer length of the period of activity shows that the firm long outlived its founder. It is possible that some of Fortis’s workshops were also engaged in the production of other clay artifacts, such as amphorae.

6. Conclusion

Lamps signed by Italian manufacturers were exported from the main workshop as main, supplementary, or return cargoes; they were also produced locally in subsidiary workshops or by transient potters, or illegally imitated by local, unaffiliated producers. Not one of the above solutions seems to have been so prevalent as to eliminate the others, but Harris’s model is strongly supported by the practicality of branch workshops and the existence of a legal system promoting the decentralization of production. Transfers of moulds facilitated the decentralization of the production, but makes it more difficult for modern historians to establish the exact circumstances under which the production of lamps was carried out in the provinces. One—not necessarily the most important one—of many purposes for decentralizing the production could have been to respond to changing tastes and needs of customers located at some distance from the original center of production, at a time when provincial lamps were gaining in popularity in the provinces and tended to supersede Italian imports.

Symbols and individual letters found on lamps next to the signature of the manufacturer can be interpreted as evidence for the organization of the workshop, where the activity of the workers was stimulated through internal competition, or as a sign of cooperation between workshops belonging to different manufacturers. Thus, moulds or designers could be exchanged, which explains how the same lid is found in combination with tanks signed by two different producers.

Unauthorized imitations cannot be identified by their comparatively smaller size, because moulds could be duplicated, or made out of existing lamps, in the same way by both authorized workshop managers and imitators. Exported and copied moulds probably existed in great numbers and were used by either of these two groups. However, G. Schneider and E. Wirz convincingly demonstrate that the phenomenon of unauthorized copies must have been rather limited:

From the series of 121 analysed lamps no more than 14 could have been made in minor centers and thus be unauthorized copies. Nearly 90 percent of the lamps from this legionary camp [Vindonissa], however, were manufactured at only three major lampmaking centers, all of them very distant from Vindonissa. This makes it very likely that the centers in Modena, Lyon and Trier (?!) must have been production branches of the larger firms. It would be hard to believe that unauthorized copies were made nearly exclusively in three large centers far away from the place where they were sold and used.

The case of Vindonissa shows that it takes more sophisticated methods to trace the origin of lamps to branch workshops than to demonstrate the common occurrence of exports or to postulate the practice of unauthorized reproductions.

Finally, there was no intermediate category, such as “non-institutional freedmen” employed or authorized by Italian firm owners “to establish subsidiary workshops... which probably achieved a certain measure of independence from the parent concern.”

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384 G. Schneider – E. Wirz, Doc. et Trav. IGAL 15 (1991) 13, suggesting, on the basis of the chemical analysis of the products found in Vindonissa (first century A.D.) and Regensburg (mid-second to mid-third century), that Fortis had three main workshops (Group A/B [Modena], C1 [Lyons], D [Trier]), another large one in Cologne (Group K), and about seven minor, perhaps temporary ones (Group F2 [Frankfurt-Nied], F3 [?], C3 [perhaps Lausanne/Vidy], X [perhaps near Regensburg/Raetia], V [Raetia], W [Raetia or Noricum], and Z [perhaps Pannonia]).

385 E. Buchi (1975) 66-67 discusses various theories about this phenomenon. Cf. also P. Fantacci, Le lucerne romane della Valcamonica (Brescia 1984) 95.

386 This fact, combined with the quantity of lamps bearing the same mark, the variety of their fabrics, and the wide range of their distribution induced D.M. Bailey (1980) 275-76 (cited by G. Schneider – E. Wirz, Doc. et Trav. IGAL 15 [1991] 4) to consider them as imitation by local lampmakers rather than the product of workshops controlled by the Fortis family. Contr., cf. above, p. 236, and n. 114.

387 CIL IX 6079, no. 29 (Brundisium). Cf. E. Buchi (1975) 65-93, esp. 70; and W. V. Harris, JRS 75 (1980) 142, nn. 120 and 121.

388 G. Schneider – E. Wirz, Doc. et Trav. IGAL 15 (1991) 9 and 13, against Loeschcke’s hypothesis (recorded p. 3) that all Firmolampen belonging to techniques (= Groups) B, C, and D were unauthorized copies of imported Italian lamps.

389 E.W. Haley, MBAH 9 (1990) 11-12, rejecting Harris’s theory of branch
shops were either subsidiary or independent, and their respective operators were managers appointed by the firm owner in the first case, and entrepreneurs running their own business in the second case. Passages from the former situation to the latter were possible, and undoubtedly occurred, but such changes were unlikely to bear on the physical appearance of the production. At best, the promotion from the rank of workshop manager to that of independent entrepreneur could affect the structure of the stamps and/or the range of the distribution of the artifacts. However, this remains an hypothesis.390

F. Conclusion

The study of workshop managers in the ceramic industry rests on the examination of signatures stamped or painted on clay artifacts. The identification of the place of origin and destination of these roughly datable artifacts can be used to reconstruct commercial movements to be explained in terms of managerial policy in response to changes in the economic conjuncture. The opening of new markets presented entrepreneurs with an array of economic and managerial choices for the purpose of expanding their activity both horizontally and vertically. Limitations in the technology of transport made the enlargement of existing enterprises in the central point of production less profitable than the opening of branches in areas of development. The availability of an experienced work force and the guarantee offered by the legal system made it profitable to entrust the management of subsidiary workshops or outlets to agents. These workshop managers were tied to their principals by economic, social, and/or legal bonds. Consumers could count on products of equal quality and lower price than imports. The rise of a stiff competition among individual producers and regions called for drastic adjustments in manufacturing and marketing policy. These were achieved through diversification of the production, relocation of workshops, and eventual emancipation or abandonment of subsidiary centers of production.

production of terracotta lamps in Roman Spain, where most lamps are thought to be the result of importation and temporary imitations. The production of hypothetical "non-insitulor freedmen" would have remained "negligible."

390 Cf. above, the section on terra sigillata.

The managerial system used in the clay industry seems to have been borrowed from agricultural concerns (fundis), and was adapted to both rural and urban contexts. The manufacture of containers for the export of staples produced on agricultural estates and the exploitation of clay districts located in the vicinity of farmsteads for the production of building material must have directly benefited from the existence of the vilicus system.

Units of production were centered around kilns, the operation of which was not necessarily carried out by potters involved in making moulds and artifacts. Because of conditions characteristic of the pottery industry, such as the need for abundant supply of fuel for firing, nucleated centers of production, such as those in Arezzo, Lyons, La Graufesenque, or Lezoux, turned out to be very prosperous, though not long-lasting. Cooperation between workshops, through exchanges of moulds, pompons, and personnel, was not uncommon. Such phenomena are illustrated by the archaeological material and by scattered evidence for temporary partnerships.

The division of labor, at the level of the extraction and preparation of the clay, the making of tools, the shaping or casting of artifacts, the operation of the kiln, storage management, marketing and distribution, is similar to what can be seen in the context of farm management. By having several potters or group of potters working side-by-side within the same workshop, the firm owner or manager could foster a climate of internal competition aimed at increasing the qualitative and quantitative level of the production. Some firms are known to have employed numerous workers at various places at the same time.

The names appearing in the stamps provide some evidence concerning the social background of potters and their place in Roman (Italian and provincial) society and economy. The content of the stamps occasionally permits identifying some slaves or freedmen among the people operating workshops producing tablewares, amphorae, and building material (stamps on terracotta lamps are more elliptic). Tria nomina (praenomen + nomen + cognomen) often point toward free status (freedman or freeborn). Many stamps, however, exhibiting tria nomina in an abbreviated form (or genitive) and on two different lines (praenomen + nomen / cognomen) could refer to two different persons, employer and employee, or principal and manager. The legal status of the latter remains unclear, although Greek cognomina, quite common in the stamps, usually point toward slave
or freed status. The stamps are almost never specific about the nature of the legal relationship between the two persons represented in them. In the brick industry, for instance, male and female officinae belonged to all social strata from slave up to the equestrian order, but neither the slave, almost certainly an insitior, nor the knight, probably a contractor, advertised in any specific terms the nature of his position with regard to the owner of the clay district/brickyards where he operated.

Occasionally, the position of a name in a stamp permits identifying its bearer as a principal. Such people usually belonged to the upper classes (cf. for instance, G. Laecanius Bassus, who produced amphorae, belonged to the senatorial order, and A. Decius Alpinus, whose name is associated with the production of building material, was perhaps a member of the municipal elite in Southern Gaul). However, the evidence is deceiving, because a success of great entrepreneurs, whose wealth, political influence, and birth pertained to the upper class, were likely to produce on a larger scale and therefore to leave more visible traces of their activity than a lower-middle-class potter, whose career was limited to a short period of time (five to twenty-five years) during which he conducted operations on a moderate scale. Modest potters, such as the lampmaker C. Clodius, existed nonetheless, and perhaps formed a majority. They too may have relied on officinae for the manufacture or distribution of their products.

Finally, it seems that in many ways the various types of material are complementary. The picture that various types of artifacts and stamps provide about exports, branch workshops, and the social fabric of people involved in the clay industry is apparently similar for all four sectors examined in this chapter, each case study illuminating various extents specific aspects of the organization of Roman manufacturing activities. More could perhaps be learned from the study of the organization of other similar activities, such as the marble.  

391 Bibliography and state of the question in H. Dodge, “Ancient Marble Studies: Recent Research,” JRA 4 (1991) 28-50, esp. 34-36, with reference to the recent work of J.C. Fant. The main evidence is provided by some inscriptions from Docinium (Phrygia), classified by type (I-III, from Domitian to the third century), the later one (starting around 130's-150's and developing until 236) containing various types of information (consular date, name of officina, name of the foreman of the cassus, and identification numbers of the locus and brachium, cf. CIL III 7029 - ILS 8722c). Cf. J.C. Fant, C summbrum Phrygiae: The Organization and Operations of the Roman Imperial Marble Quarries in Phrygia (Oxford 1989) esp. 33-41 and stone, metal, wood, and glass industries.  


392 R. Becot, Les carrières et les carrières de la Gaulaise romaine (Paris 1984), esp. 147-98; and 199-220; and C. Dubois, Etudes sur l'administration et l'exploitation des carrières dans le monde romain (Paris 1908).


CHAPTER FIVE

DIRECT MANAGEMENT AND PUBLIC ADMINISTRATION: FOUR CASE STUDIES

A. Introduction

Direct management through agents developed as a legal system during the last two centuries of the Republican period. The *vilicus* system, as it has been referred to earlier, was certainly devised in the agricultural context of the villa economy and extended to workshops and other kinds of facilities organized as managerial units. It was born out of

(a) the necessity for wealthy people to rely on agents to carry out economic activities that their life-style, political and economic engagement, and social prejudices prevented them from pursuing personally;

(b) the desire, on the part of the elite, to retain some degree of control over the economic activities of their dependents without curtailing the latter’s aptitudes to engage in highly profitable pursuits where technical and managerial skills were put to work for the benefit of the former;

(c) the structure of Roman society, in which a significant part of the population—especially *saeclares*, including slaves, dependents-in-power, and women-in-power—was originally denied the legal capacity of entering into binding contracts;

and (d) the practice of regarding real estate property as an adequate guarantee for contracts made by agents. The combination of these factors resulted in the fruitful cooperation of the haves and the have-nots in almost all areas of economic life. Social peace in the business community was the consequence of a well-recognized and fostered by the Roman praetor at an early stage.

The *vilicus* system rested on the appointment (*praedecis*) of an agent by the principal to the head of an economic unit identified with a piece of real property (*fundus, hortus, praedae, officina, statio, mansio, mutatio, stabulum, taberna, deversorium, horrea, piscina, insula, domus, aedes, aedis, mensa, etc.*), on the horizontal division of labor within that unit (*familia*), and on an efficient hierarchic system of control with several levels of administration (*dominus, procurator, curator, actio, dispensatior, vilicus, officinatar, institor, praefectus, magister, monito, optio*).

In the present chapter, I will investigate how this system of management, which developed in relation to private enterprises, proved successful enough to be adopted in various areas of the economy and administration of the Roman empire. One obvious avenue of research consists in looking up the prosopography of *vilicii* and *actores* and describing the many economic activities in which they engaged.

The problem linked with this approach is that it is often not possible to go any further than emphasizing the existence of the pattern of management without being able to reach any enlightening conclusions.

Another way of tracing down managers would be to focus on the evidence about *familiae* and to assume that they formed the staff of one managerial unit under the responsibility of a *vilicus*, *officinatar*, or their like. This approach, however, would fail to take into account all one-person managerial units.

In some areas, a great deal is known about the activities of *vilicii* at the head of a *familia*. I have discussed elsewhere the application of the *vilicus* system in the administration of the water supply, of which we have a very detailed account by Frontinus, *curator aquae* under Nerva. This author describes at great length the history of the water supply of the City of Rome, the functions of the water commissioner (*curator*) and his deputy (usually, an imperial freedman with the rank of *praefectus*), the technical details of the distribution of water to individual landowners through signed lead pipes, the role of the *aquarum* in regulating this process, and their interaction with private contractors (*redemptores*). The staff responsible for the construction, or at least the maintenance, of the system was divided into

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1 Dessau, JRS indices p. 420; 699; and 950.
2 Cf. my paper "Workshop Managers" in W.V. Harris (ed.), The Inscribed Economy: Production and Distribution in the Roman Empire in the Light of instrumentum domesticum (JRA Suppl. 6, Ann Arbor 1993) 171-81.
two brigades (familiae aequarum) of unequal sizes including *vilici*, *castellarii*, *circitores*, *silicarii*, *tectores*, and other *opifices*, one being composed of 240 public slaves, originally bequeathed by Agrippa, the other of 460 imperial slaves. The picture is completed by the fact that Frontinus's account is corroborated by epigraphical evidence recording *vilici* attached to a specific aqueduct\(^5\) and other slaves attached to an administrative unit called *statio*.\(^6\) In Bononia, and possibly elsewhere, *vilici* were responsible for the production of lead pipes, as some stamped signatures suggest.\(^6\)

A different approach would consist in investigating the main areas of Roman economic life in order to identify *institores* in various trades (garment, perfume, food, banking industry, etc.), but this would lead to a great deal of repetition and to the same inconclusive statements as in my quest for *institores* in the clay industry (cf. above, Chapter Four). Through the legal sources, we know that business managers were to be found in many activities, but there is little non-legal evidence supporting this fact.

In this chapter, I will discuss four areas of public life as case studies, each of which will serve a different purpose. I will start with the investigation of the system of tax collection in order to demonstrate how the *vilicus* system was adopted by the companies of publicans and how it went through major administrative reforms—the possible shift to a system of collection carried out by individual tax farmers, and, above all, its takeover by the imperial administration—without being drastically altered in its concept. Second, I will turn to recreational facilities, and show how the public and imperial administrations superseded to some extent private enterprise, without renouncing the *vilicus* system as a type of management. Third, I will focus on the imperialization and militarization of the system by examining the road system and the introduction and development of the postal service and requisitioned transport. And finally I will address the question of the internal organization of a particular type of economic unit, the Roman mint, a symbol of state sovereignty, the efficiency of which reflected on the general economic, political, and social well-being of the whole empire. Throughout the chapter, the complementarity of different types of evidence should yield some colorful, dynamic pictures of Roman systems of management.

B. Tax collection (*vectigalia*)

The *vilicus* system is well attested in the context of the collection of certain kinds of taxes. Most of the evidence is provided by Greek and Latin inscriptions roughly datable to the Imperial period and originating from the provinces.\(^7\) Italian material exists, but it is less abundant and often less specific. The main features of the Roman system of tax collection are described in literary and legal sources, but some aspects of its chronological development remain unclear.\(^8\) Besides, regional differences are hard to trace: the evidence is abundant in some areas (Illyricum, Gaul, Africa, Egypt, Asia Minor) and almost nonexistent in others (Spain, Britain, Lower Germany).

Before discussing the role of managers (*vilici et actores*) in tax collection, it is necessary to present a brief outline of the history of tax collection in the late Republic and early Empire.

1. Historical outline

During the Republican period and the early Empire, the collection of various taxes was farmed to private contractors, because the Roman state lacked the means, skill, and political willingness to deal with this kind of task directly. Until the Severan period, these private entrepreneurs were organized in companies of publicans (*socii* or *publiciani*), who established an empire-wide infrastructure, composed of central and regional offices supervising collection centers.

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\(^4\) *CIL* VI 8495-8496 and 33732-33733.

\(^5\) *CIL* VI 8489 and 36781.


\(^7\) J. Carlsen collects and discusses all the material in his forthcoming book, *Vilici: A Study in Roman Estate Management*.

\(^8\) This picture has been recently redrawn to a considerable extent by the studies of M.B. Gemma, *Ricerche sulla società dei publicani* (Milan 1981); and P.A. Brunt, "Publicans in the Principate," in *Roman Imperial Themes* (Oxford 1990) 335-132. The recent publication of an important inscription from Ephesus (*Monumentum Ephesenum*, or *Lex portarum Asiae* = νόμος τέλους Ἀσίας ἔκθεσις καὶ ἱλαροθής κατά τὴ γῆν καὶ κατὰ ἄλλας ἡμέρας), dated to A.D. 62 but including provisions passed in 75 B.C. and at various times between these two dates, provided new information about the structure and organization of toll stations. Cf. H. Engelmann-D. Knibbe, "Das Zollegesetz der Provinz Asia. Eine neue Inschrift aus Ephesus," *Epigraphica Anatolica* 14 (1989).
located in cities and harbors, and along provincial and imperial borders. The contracts for the right to collect various kinds of taxes were farmed out for five years at public auctions organized in Rome by the censors. It has been argued that during the Principate, this task was taken over by imperial procurators and by the prefect of the treasury (praefectus aerarii Saturni). Even though it is likely that the same companies were able to renew their contracts, newcomers could displace incumbents. In case of a change of company after a period of time, the successful bidders would probably take over the local infrastructure—building and staff—established by their predecessor, so that continuity at the practical level would be ensured. This was facilitated by the fact that, in Roman private law, the transfer of ownership of a managerial unit could include its managerial and technical staff, livestock, and equipment (cf. Chapter Two).

Because of their semi-public functions, the companies of publicans (societales vectigalium) were considered as a particular type of partnership which was not dissolved by the coming or withdrawal of death of one of the partners/shareholders (socii). Their factual permanence may explain why they seem to have been endowed at an early stage with some kind of juristic personality (corpus). In dealing with state authorities, the companies were represented by an agent (manus, redemptor, or conductus) who negotiated the contract and had to provide sureties (praesides) and securities (praedicia). Insofar as the socii stood as sureties, manus, and socii were jointly liable for the contract. The legal relationship between manus and socii was determined by private contract. Thus, the manus was some kind of legal representative of the company, but there is no evidence that he did anything else but bid for the contract and negotiate its terms with state officials.

The internal administration of the companies was entrusted to annually elected magistri and remained centralized in Rome. In the provinces, local administrative centers were headed by officials called promagistri. These representatives had the capacity to make binding agreements (pacta) and were in charge of supervising the collection of one or more kinds of taxes or of some other state revenues, tasks in which they were assisted by a numerous, hierarchically organized staff (familia publicanorum, cf. below). For our purpose, it is important to note that "the rights and duties of tax collectors were regulated by the praetor's edict at Rome and by the edicts of governors in the provinces." Tax collectors could sue the taxpayers and take pledges from them. Conversely, the socii, or, presumably, their representatives (magistri and promagistri), could be sued by any person who had been wronged (futurum, damnum, or iniuriam) by a member of the familia publicanorum. If successful, the plaintiff could obtain redress from any of the socii. There is, however, no explicit evidence for the contractual liability of socii for the

9 W. Eck, Die staatlichen Organisationen in der römischen Kaiserzeit (Munich 1979) 115; and P.A. Brunt (1990) 357 and 377. On imperial procurators supervising the collection of taxes, cf. Dessau, IL.S. IV, pp. 426-32; H.G. Pflaum, Les carrières procuratrices équestres (Paris 1960-61). The emperor himself could take care of it, following Caesar's example (cf. Alfenus Varus [7 dig.] Dig. 39.4.15). The Lex portariae Asiae shows that under the reign of Nero these matters were in the hands of three sacriicii sodis domoii praeclavens (societales publiciores vectigalium, referred to by Tacitus, Ann. 15.18: "tres dein consules, L. Pisone, Ducentium Geminion, Pompeium Paulinum vectigalibus publicis praepositum") whose appointment seems to have been exceptional; C. Epig. Anatol. 14 (1989) Introduction (= Præscripto, lines 1-7, with commentary pp. 35-37) and sect. 62 (144-147).

10 P.A. Brunt (1990) 369, n. 55, with reference to Cic., Att. 1.17.9 for evidence of "keen competition for the Asian tribute in 61 B.C." Cf. also Ptolemy (5 sert.) Dig. 39.4.9.1, where the color frumenti is reported to have inflated the bid "ultra modum solitae conductionis."


12 Gaius (3 ad ed. law) Dig. 3.4.1. On the legal position of the companies and their staff (familiae publicanorum), cf. Dig. 39.4. Cf. also C. Nicoulot, "Deux remarques sur l'organisation des sociétés de publicains à la fin de la République romaine," in H. van Elfensterr (ed.), Points de vue sur la fiscalité à Rome (Paris 1979) 69-95; E. Bodian, Publicans and Sinners (Ithaca/London 1972) 69-70; and idem, Comment 56 (1964) 43-48, reviewing M.R. Cinma (1981) who suggests (95-98; and 242-43) that it was only in the first century A.D. that societales were given a limited juridical personality. Cf. also the qualified statement by P.A. Brunt (1990) 568-71.


15 P.A. Brunt (1990) 358, with reference to Dig. 39.4 passim. Gaius wrote a commentary Ad edictum praetorii urbani titulos de publicanis (Dig. 39.4.5 and 19.1.19), which indicates that publicans were under the jurisdiction of the urban praetor.

16 P.A. Brunt (1990) 358-59 and 364-66, with reference to the Lex metulli Vipsanceni (FIRA IV, no. 105, lines 16, 34-35, 40-41, 45, and 53) for the right to take pledges extended to the conductus, his socis and/or his actor, and to Ulpianus (55 sert.) Dig. 39.4.5.1, Paulus (32 ad ed.), citing Labeo and the emperor Hadrian, Dig. 39.4.4, and Modestinus (2 de poenis) Dig. 39.4.6, about the liability of the publicans for the wrongdoings of their staff.
transactions negotiated by authorized agents (actores, vici, praefecti, etc.). If this silence of the sources had to be accounted for, it may be due to the fact that collecting taxes did not give rise to an intense contractual activity on the part of the managers of stationes (cf. below). Here again, the recently published Lex portorit Asiae provides valuable information: it records a consular decree from L. Caninius Gallus and Q. Fabricius (2 B.C.) which stipulates that "if someone makes a contract with a tax farmer or his agent in connection with customs affairs, the contract is legal."

Until recently, it was believed that the system underwent some drastic change at the beginning of the second century A.D.: the farming of taxes would have been transferred from the companies of publicans to personally liable contractors (conductores). As conductores had already been resorted to on a smaller scale during the preceding period, the novelty would have consisted in the gradual abolition of the companies of publicans. From then on, the imperial treasury would have dealt only with people who allegedly offered better financial guarantees. P. A. Brunt has recently challenged this theory, showing that the evidence for individual contractors is scarce and inconclusive and pointing out that several legal texts of the late-second and third centuries continue to refer to the activity of publicans as a contemporary phenomenon. Thus, in the middle of the second century, the jurist Gaius brings up the fact that the companies in charge of collecting taxes and other revenues from the exploitation of gold and silver mines and saltworks were granted corporate status as a privilege. After him, Ulpianus decries the well-known audacity and arrogance of the "factions" of publicans, who are still mentioned in the Sententiae of Pseudo-Paulus, dated to the late third century A.D. Even though individual tax farmers (conductores) may not have displaced the companies of publicans during the second century A.D., as was commonly believed until recently, there is no reason why the former should be discarded altogether from the history of tax collection: both companies and individual tax farmers could have lived side-by-side. The "paucity of evidence" pointed out by Brunt provides nothing more than an argument from silence, and in any case rests on the assumption that those conductores whose staff is attested in second- and third-century inscriptions were indeed attached to the companies.

Be that as it may, it seems that some change did occur in the later part of the second century, as the imperial administration became increasingly involved in the process of tax collection. It is true that imperial procurators appear in this context at an early date (first century A.D.), but it seems that at first they were only in charge of farming out the tax to the publicans and of supervising their activities. According to Brunt, the initial involvement of imperial officials was made necessary by a change in the terms of the contracts, whereby tax farmers would pay a percentage of what they collected instead of a lump sum determined at the time of auction; this reform followed the introduction of new taxes by Augustus and resulted from the difficulty for potential bidders to make a reasonable estimate of their likely profits. Since the switch from lump sum to percentage system had made cheating easier on the part of the publicans, closer supervision was required. Thus, the imperial bureaucracy developed side-by-side with, and more or less on the pattern of, the companies of publicans. There is, however, inescapable evidence that

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17 Epig. Anatol. 14 (1889) sect. 48 (= lines 113-114): [Διάκος Κανγίνος Γάλλος, Κώντος Φλάρλις ήπειρος προσήπτηκαν· ήσαν τα περί των τελών των πρώτων δαμασκήνων ή ιστορικών συνθήκης, ἐκ των πιστοποιήσεως ἐν τής οδηγίας τῆς νόμον δέονται. | vac.] and the commentary on this passage (pp. 118-119). Factions negotiated by tax farmers with communities rather than individuals are mentioned by Cicero (Cons. Prov. 5.10; QFR. 1.1.12; Att. 5.14; Fam. 13.65, etc.). Cf. A. N. Sherwin-White, Roman Foreign Policy in the East (168 B.C. to A.D. 1) (Norman, OK 1986) 232-233, n. 117.

18 P. A. Brunt (1990) 354-342, esp. 370-71 and 386-414, convincingly arguing against the thesis defended by S. J. de Laet, Potorium. Étude sur l'organisation douanière chez les Romains, surtout à l'époque du Haut-Empire (Bruges 1949) and generally accepted since then.

19 Gaius (3 ad ed. prov.) Dig. 3.4.1 pr.: "Pausis admodum in causis concessa sunt humani corpora: ut ece vexitigillum publicorum socii permittatum est corpus habere vel aurifBUTTONDOWN KEYPAD_2.png

20 Ulpianus (38 ad ed.) Dig. 39.4.12 pr.: "Quantae audaciae, quantae celeritas sint publicanorum factiones, nemo est qui nesciat. Idecirca prae bar ad cespescendam eorum audaciam hoc editum posseus: "Quid familia publicanorum furtum facisse dicetur, etiam si dumam insuria fecerit et id ad quis ca res petinerit non exhibetur, in dominum sine noxa eadime judicium dabo." Since the praetor's edict cited here is much older than Ulpianus' time, one may surmise that the jurist refers to an historical fact deemed familiar to his readers rather than to the contemporary situation. Therefore, the passage is not so cogent as assumed by P. A. Brunt (1990) 370. The same remark applies to Gaius' passage (quoted in the preceding note: "permittimum est") may refer to a more or less recent past.

21 Paulus (5 sent.) Dig. 39.4.9.4 (= Sent. 5.1a.5): "Socii vectigallium si separatim partes administret, alter ab altero minus idoneo in se portionei transferri liceat desiderat."
by the time of Commodus imperial procurators assisted by imperial freedmen and slaves did more than supervising the publicans, at least in certain areas (Illyricum, and perhaps Gaul and Africa). This may have been a temporary expedient to make up for the dearth of tax farmers, as an alternative for compulsory service.22

Finally, army officers are occasionally attested as tax collectors. This was the case, for instance, in third-century Palestine, where the crop tax was paid in kind to a kitron, who has been identified as a centurion.23 The involvement of the Roman army in the collection of taxes both in kind and in money was connected with the collectors' need for protection in the climate of insecurity that developed by the early third century A.D., especially in the countryside. Thus, a vilicus probably in charge of a toll station in the capacity of agent of either tax farmers or the emperor(s) appears together with a beneficiarius (specialized non-commissioned officer) in an inscription from Moguntiacum (Upper Germania).24 Another factor was that the military had become one of the main recipients of the produce of taxation, and therefore had a stake in ensuring its proper collection, storage, and distribution.25 Under these circumstances, tax collection often borders on extortion.

2. Taxes and appropriation

In the Republican period, after the abolition of the tributum (an annual contribution that citizens imposed on themselves to cover war expenditures) in 167 B.C., the main income of the Roman state came from the rectagalia. These included:

- all kinds of revenues from public and private properties (pasture tax = scriptura; tithe = decuma, collected only in the provinces);
- revenues from state monopolies (tax on salt, mint, sulphur);
- customs duces (portoria, first mentioned in Capua and Puteoli in 199 B.C., abolished in Italy by a Lex Caecilia of 60 B.C., and reestablished soon after),26
- and the tax on manumission (vicepsima libertatis, established in 357 B.C.).27 The proceeds of these taxes went to the main public treasury called aerarium Saturni, or to some separate account inside of it.28

During the Principate, several new taxes were introduced by the imperial government in order to cope with increasing expenditures linked to the rising cost of bureaucracy and political bribery. In A.D. 6, Augustus introduced a five percent tax on inheritance (vicepsima hereditatium), the proceeds of which went to the aerarium militare.29 A year later, pressured by the need of money for wars and for the support of the newly created fire brigades (vigiles), the same emperor imposed a two percent tax on the sale of slaves, the proceeds of which went to the fiscus. By A.D. 43, the rate of this tax had been raised to four percent (vicepsima quinta venalium merciorum).30

At times, the rulers (triumvirs or emperors) would establish new imposts limited to the city of Rome to satisfy their urgent needs for cash.31 Suetonius reports that Caligula introduced new taxes on

22 P. A. Brunt (1990) 381-86 and 414-20, stressing (416) that there is no evidence for the involvement of imperial officials as tax collectors before Commodus and after Alexander Severus.
23 D. Sperber, "The Centurion as Tax-collector," Latomus 28 (1969) 186-89, citing a text in Toseufa, Demai 6.3, where the tax was paid by the tenant of land owned by a Samaritan. The text was edited ca. 230 and the situation it describes belongs most likely to the second or early third century.
24 CIL XIII 11816 (= 6731 + 6768, "...be(neficiarius) co(n)s(ularis) / c(om) v(ill(ae) p(osuit)").
catables (pro edulis), on lawsuits and legal proceedings (pro litibus ac iudiciis), on porters' wages (ex gerulorium quaeestibus), and on prostitutes (ex capturis prostitutiarum). Some of these taxes, which Suetonius calls outrageous, may not have survived Caligula's reign. The collection was carried out by private contractors at first, and subsequently by officers of the praetorian guard. We also hear of taxes on vegetables and on lavatories (vexigal urinae) introduced by Vespasian. In the second and third centuries A.D., the sources record a tax on the obstruction of sunlight (solarium), and various charges imposed on landlords for the maintenance of the water- and sewer-systems (pro aquae forma et cloacarum). These taxes were presumably collected by the staff subordinated to the commissioner of public works ("qui operibus publicis procurat," i.e. the curator operum publicorum) or directly by the staff in charge of the maintenance of each utility, since these taxes were meant to support them.

Finally, there was a tax specific to the city of Rome, but akin to the portorium in its concept: the vexigal foriculi iari et ansarri promeraculium was a tax on goods for sale imported into the Pomerium, except when these goods were intended for the personal use of the carrier or his household. This tax, the proceeds of which went to the fis-

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89-90. These taxes were imposed mostly on the senatorial class. Cf. also, J. Le Gall, "Les habitants de Rome et la fiscalité sous le Haut-Empire," in H. van Effenterre (ed.), Points de vue sur la fiscalité à Rome (Paris 1979) 113-26.

32 Suet., Calig. 40. A prostitute tax was also collected in the most remote places of the empire, as some customs regulations show (IGRR I 1183, 16-17 = tariff of Copius, A.D. 90 and IGR II 1056, col. 2a, ad finem = tariff of Palmyra, A.D. 137 reconstructed from the Aramaic version). Cf. T. A. J. McGinn, "The Taxation of Roman Prostitutes," Helios 16 (1989) 79-110, esp. 87-90, corrected by R. S. Bagnall, "A Trick a Day to Keep the Tax Man at Bay? The Prostitute Tax in Roman Egypt," BASP 28 (1991) 5-12, who convincingly demonstrates that the Egyptian evidence is limited to Upper Egypt between A.D. 111 and 188. The connection between the tax record by Suetonius and the Egyptian/Palmyrene tax cannot be taken for granted.

33 Pliny, NH 19.56.

34 Suet., Vespr. 23.5; Dio 65.14.5, and Juv. 3.37-38.

35 CIL VI 1385 and Ulpianus (68 ad ed.) Dig. 43.8.2.17.

36 Ulpianus (21 ad Sab.) Dig. 30.1.39.5.

37 Frontin., Agr. 118.

38 CIL VI 1016 a-c and CIL VI 31227 (= ILS 375, between 177 and 180): Marcus Aurelius and Commodus are said to have set up a few stones "proper controversias quaerit / inter mercatores et mancipes / ortae erant, uti finem / demonstraret vectigal foriculi et ansaris / promeraculum secundum veterem legem semel dum/taxam exiguit." Cf. also CIL VI 8594 ("quidquid usuriam invehitur / ansarium non debet"), which is reminiscent of a provision of a lex censoria pertaining to the Sicilian portorium and recorded by the Republican jurist Alfenus Varus (7 Dig.) Dig. 50.16.203. Cf. J. Le Gall (1979) who convincingly argues for a new interpretation of the word foriculum.

39 Paulus (sing. de tur.) Dig. 22.1.17.5: "Pia cus ex suis contratibus usus non dat, sed ispe accept ut solat a foricariis, qui tardus pecuniarum inferunt, item ex vectigalibus."

40 CIL VI 779 (= 30830) and commentary of CIL VI 31227 (reporting that the inscription was found at Santa Sabina). On the role of solic in tax collection, cf. below.

41 W. Liebenam, Stadtrverwaltung im römischen Kaiserreich (Leipzig 1900) 2-68, esp. 21-30; and W. Langhammer, Die rechtliche und soziale Stellung der magistri municipalis und der decuriones (Wiesbaden 1973) 96-122, esp. 118-19.

42 W. Liebenam (1900) 417-30, with reference (419, n. 1) to legal sources from the late first century A.D. onwards (Dig. 50.4-7).

43 This diversity is best attested in Egypt, cf. S. L. Wallace, Taxation in Egypt from Augustus to Diocletian (Princeton 1938). It is necessary to emphasize that the most significant part of the revenues of Rome came from land tax (tributum solis) and poll tax (tributum capitis) levied in the provinces; cf. L. Neees, Untersuchungen zu den direkten Steuersystemen der römischen Kaiserzeit (Bonn 1980), reviewed and expanded by P. A. Brunt, "The Revenues of Rome," JRS 71 (1981) 161-72 (— Roman Imperial Themes [1990] 324-46).
taxes, and how it may have developed during the Republican period. The collection of taxes in kind obviously entailed problems substantially different from taxes in money, but will not be discussed in this context.44

Customs duties were collected at toll stations (stations, portus, telónia, paraplaškai). In the province of Asia, these facilities, the size of which was strictly regulated, could be erected on public land.45 They seemed to have been organized on the pattern of a rural household: a tax farmer (conductor, telónhs, δημοσίωνς) or a silicus (olikónamos, κεθύμηνος ἐπὶ τὸ τελόνα, ἐπιτροπὸς)46 was in charge of running the operations with the assistance of a staff composed of accountants, clerks, and inspectors. In the province of Asia, the name of the tax farmer (telónhs, δημοσίωνς) or that of his general agent (ἐπίτροπος) was to be posted in a visible place in the toll station and gave the manager the right to collect tolls or fines (τέλος ἢ μισθὸς = portorium mercesse). This rule, which is similar to the legal provision regarding the appointment (praeposittio) of private business managers,48 was recorded in the A.D.-62 version of the Lex portorii Asiae, but is known to have been introduced earlier, either by consular decree in A.D. 5 or as part of the original enactment in 75 B.C.49

Vilici could also be attached to one of the provincial administrative centers located at Lugdunum, Virunum, Aquincum, Poetovio, Carthage, Ephesus, etc.50 It is often difficult to determine to which category each silicus belonged. In Dalmatia, one Hermes Fortunatianus had an underground shrine (spelaeum) built and dedicated to Mithra at his own expense: he was the slave silicus of C. Antonius Rufus, who had contracted for the collection of the p(ublicum) p(ortorium) while holding the position of praefectus veh(icularum).51 Hermes’s benefaction was made possible by the fact that he could obviously dispose of significant funds, probably in the form of

44 Cf. now R. Duncan-Jones, Structure and Scale in the Roman Economy (Cambridge 1990) 187-98, who has, however, little to say about the practical collection of tax.

45 AE 1998, no. 341f (Catina/Sicylii); AE 1956, no. 262 (- CIL V 1864, Iulium Carnicum/Regio X); AE 1934, no. 234 (Aquileia/Regio X, between 211 and 217); CIL V 7211 (Avignon/Aples Cotieae); CIL V 7264 (Segusio/Aples Cotieae); CIL V 17852 and AE 1935, no. 205 (Pedo/Aples Maritimae); AE 1945, no. 125 (Aquismum/Aples Graia et Poenaeae); CIL XIII 5244 (Turicum/Upper Germania); AE 1938, no. 154 (Poetovio/Pannonia); AE 1952, no. 192 (Aquae Bassianae/Pannonia, 206); AE 1981, no. 24 (Dardania/Moesia, 225); CIL VIII 12134 (= ILS 1654, Bisica/Africa); NT, Matth. 9.9 and Mark 2.14 (Capernaum/Galileae); Epig. Anotol. 14 (1989) sect. 10 (lines 26-28); 23 (lines 56-57); and 51 (lines 117-120) (telónem); and sect. 12-15 (lines 29-40); 17 (lines 42-45); and 30 (lines 88-96) (paraplaškai).

46 For a legal definition, cf. Ulpianus (68 ed. ed.) Dig. 50.16.59: "Silicus appellation est conclusus locus, quo importunantur mercis et inde exportantur: quae nihil minus statio est conclusa atque munira. Inde "appagorum" dictum est."47


48 Epig. Anotol. 14 (1989) sect. 4 (lines 13-15): 6 (lines 16-20); 10 (lines 26-28); a provision belonging to the earliest part of the law and dated to 75 B.C.; 16 (lines 40-42); 23 (lines 56-57), with commentary, p. 85; 48 (lines 113-114); and 51 (117-120). The phrase τάξης/δημοσίωνς ἢ ἐπιτροπος, which is recurrent in this document, has been rightly compared to the phrase used in the second-century A.D. Lex metalli Vipsanensis (CIL II 5181 = ILS 6891 = FIRA I, no. 105, passim).

"Conductor socius actore eius." About the title ἐπιτροπὸς as the equivalent of the Latin procurator, cf. above Chapters One and Three.
might have been in charge of the financial department of the company for the whole province. Such vilici were certainly no small fies: at Aquinicum, a vilicus, whose association with the imperial fiscal administration is only conjectural, had his seat reserved in the amphitheater, next to a warden in charge of a military prison (karonitaris) (leontis) and to an army veteran. This kind of privilege was usually reserved to powerful interest groups or colleges.

In many cases, each kind of tax was farmed separately to a company or to an individual contractor. Thus, at Nicopolis/Lower Moesia, another Hermes was employed as vilicus by three well-known tax farmers belonging to the gens Iulia, Iunii, Capito, and Epaphroditus, who had contracted for the collection of the (p(ublicum) p(otiorum) Illyricum et ripae Thraciae. Toll stations of the vegetal (portiorum Illyricum are attested north and east of Aquileia. In the Gallic Alps, vilici were attached to stationes of the XL (quadragestima) Galliarum, and in Asia Minor, they collected the XXX (quadragestima) portium Asiae at Miletus and Iasus. Private and imperial slaves are also attested as vilici in the context of the collection of the vicissam (libertas), and of the vicissam hereditatis.

50 CIL VIII 1128 (= ILS 1873). A vilicus (summarum) was working in the office of the vicissam hereditatem at Hermusae/Sicily (CIL X 7347 = ILS 1559) and at Segusio/Alpes Cottiae (CIL V 7264), but other vilici summarum may have been in charge of public finances (CIL III 737 = ILS 4869 and, possibly, AE 194, no. 240, both from Aquileia). And CIL III 10433 (probably third century). Cf. J. Koldenhoven, "Le répartion des places aux spectacles et la stratification sociale dans l’Empire romain," Kōria 6 (1981) 301-13, esp. 313.


52 CIL VI 220 and AE 1934, no. 234 (Aquileia); CIL V 1864 (= AE 1956, no. 263, Iulium Carnicum/Regio X); CIL VI 8530 (= 64, Giomana/Regio X); CIL VI 5081 (= ILS 3160, Sublattis/Regio X); AE 1899, no. 74-77 (= ILS 4242-4243) and AE 1938, no. 154 (Poetovio/Pannonia); AE 1980, no. 22 (Vrasti/Enatia); AE 1957, no. 197 (Aqua Bassiana/Pannonia); and CIL III 8042 (Celtia/Noricum). Cf. G. Alfoldy, Noricum (London/Boston 1974) 116-17, 164-65, and 254-56 (with additional references); and P.A. Brunt (1990) 425-27.

53 CIL XII 717 (= ILS 1563, Areli/Narbonensis); CIL XII 7248 (= ILS 4816, Fines Allobrogium/Gaul); AE 1851, no. 4 (= ILS 9085) and AE 1945, no. 123 (Aquacum); CIL VII 7852 (= ILS 1854) and AE 1955, no. 205 (Peled); and, possibly, CIL VII 7824 (Segusio) and CIL VII 7211 (Avigliana/Alpes Cottiae). Cf. now G. Mennella, "La quadragestima Galliarum nelle Alpi Marittime," MEFR 104 (1992) 209-32.

54 CIL III 447 (= ILS 1862, bilingual); BCH 10 (1886) 257; and AE 1979, no. 610.

55 CIL IX 4681 (= ILS 1865, Reate/Rego IV); CIL XI 5032 (Mevania/Regio)}
the dedicator of this inscription refers to a position ranking at the same level as those silvici who were attached to regional administrative centers, but some doubt remains because another imperial procurator attached to the same area was honored with the laudatory terms of optimus et sanctissimus praepositus at Carales (Sardinia). By contrast, praepositus stationis may have occasionally replaced silvici in the early third century, if not before. It is remarkable that most, if not all, of the preserved instances of praepositus in the context of tax collection were freedmen, whereas most silvici were slaves.

Each silvus was commanding a staff (familia) including substitute (unciae), controllers (contrascriptores), search officers (scrutatores), toll collectors (portitores), and ordinary servants (seres). A few inscriptions discovered, published, or revised in the last few years provide a fresh glimpse of a new category of servants attached to the toll stations: circitores may have constituted a flying squad, whose task was to control subsidiary roads and trails in mountainous areas. However, there is evidence that there was ever more than one circitor attached to a single station. Besides, it is remarkable that at

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63 CIL X 7584 = ILS 1559. Compare with CIL II 1085 = ILS 1406, Lilia/ Bactica) where Irenicus, an imperial disp(ensator) portus Hippoeces dedicated an inscription to L. Cominius Vipsanius Salutaris (a member of the equestrian order with a great administrative career in Africa) whom he calls "praepositor sanctissimus." This inscription may have nothing to do with tax collection; contra, cf. P. A. Brunt (1950) 407.

64 CIL V 5090 = ILS 1561, imperial freedman, Vallis Aetna, near Trinacria/Regio X; CIL V 7643 (imperial freedman, Ager Salvisensis/Regio IX); AE 1919, no. 21 (imperial freedman, Genavia/Barbonensis); CIL XIII 5244 (imperial freedman, Turici/Upper Germany); AE 1934, no. 254 (Aquileia, 211-217); CIL III 10301 (Intercisa/Lower Pannonia, 222-235). S. J. de Laet (1949) iv, no. 1-2, and 471-72, with reference to Cod. Theod. 13.5.17.

65 CIL III 1568 (Mechadis/Dacia, A.D. 157) was dedicated by one M. Valerius Felix, who was an employee of the tax farmers Rufus and Saturinus (cf. above). He says in the most elliptic manner (lines 3-4) that he was a "((abolatus) pronoitus) ex pr(aeposito) IV (?) stationis / Tieren(sia)."

66 Familia publicanorum (Ulpianus [55 ed. D. 39.4.1.5: and idem [38 ed. D. 39.4.12,2], familiae publicae (CIL VIII 22680 a = ILS 8918 = AE 1906, no. 34, Leptis Magna, A.D. 260); et familiae eiusvms libertatis (CIL V 3351 = ILS 1870, Veronius/Regio X); CIL VII 22680 (C. P. Brun, 1989) 366-74, 371-72, 383; 406; and 416.

67 ILS 1851-1873 (servo et libertis publicanis).

least two (perhaps three) out of four known *circitores* were free, and
that one of them, Flavius Hermadion, who is attested elsewhere
(Poetoio, and perhaps Rome), was rich enough to dedicate to the
Nymphs at Aquae Iasae a silver cup weighing no less than two
pounds. With such status and wealth, *circitores* were unlikely to
have withstood cold and rainy weather in the woods, and should
perhaps be regarded as regional inspectors. This hypothesis is
consistent with what is known about *circitores* in another sector of the
imperial administration: in Rome, *circitores* attached to the water sup-
ply department ranked below station managers (*silicii*) and water-
tower foremen (*castellarii*), but above skilled workers (*silicarii, tectores
altique opifices*).

Some rare instances of promotions are recorded: Eutyches, who
presumably served the same contractors as Hermes from Nicopol-
is/Lower Moesia (cf. above) started as the substitute (*vicarius*) of the
*vilicus* Benignus at Atrans/Noricum and became *contrascriptor* at a
different *statio* at Boiodurum. In the same way, the imperial slave
Felix ran the *statio Pontis Augusti* in the capacity of *vilicus* after being
promoted from the position of substitute (*vicarius*) at another *statio*
called Micia. Finally, an imperial *vilicus portorii Illyrici* became dis-
ensator rationis extraordinariae provinciae Asiae, and served in both qual-
ities the same *procurator*.

It is probable that the accounting and bookkeeping was handled by
specialists and treasurers (*tabularii, tabellarii, arkarii, librarii, commentari-
enses, dispensatores, actores/πραγματευταί*), who were not neces-

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1 P.A. Brunt (1990) 385, as opposed to *vilicius* and *procurator* who "are presum-
ably persons placed at the head of a particular office or group of other employees.
2 CIL VI 8591 (= *ILS* 1564).
3 CIL VI 38003. Cf. also P. Ross. Georg. II 26 (A.D. 160) and W. Eck (1979)
136 and 141.
4 CIL V, Suppl. 239.
5 CIL X 7225 (= *ILS* 5759, versus *actor portus* Libybiæ).
Seyrig, Syria 22 (1944) 263-66.
7 *ILS* 8858 (= *AE* 1897, no. 17 = *OGIS* 525), where the principal was an
*heros* of *Vilicus* *Ainio*, in addition to his position of imperial procurator,
Bithynian (twice) and Asiant in charge of the temples of Ephesus.
8 AE 1930, no. 87. Πόσιλος Κόρης Φουστος διατηρούσε τον ιδίο της έλευ-
θερίας καθώς και... 
could coexist in the same *status*, as was the case at Mechadib/Dacia.\(^{90}\)

Who owned the slave members of the staff of the *stationes*? Most of them probably belonged to the companies of publicans (*socii*) or to the tax farmers (*conduciones*). Ulpianus, however, reports that both publicans and tax farmers (whom he indiscriminately designates as *publicani*) also employed hired labor, either free or slave.\(^{91}\) The *familia vectigalis* was subject to particular rules, but any slave belonging to a publican or tax farmer was not necessarily attached to the *familia*.\(^{92}\)

It is not sure whether the structure of the staff which carried out the collection of taxes was modified at the times when the system changed from publicans to private contractors and to direct collection by the imperial administration. It seems that the hierarchic organization became increasingly complicated with the later phases, but this was quite natural. On the other hand, it is possible that the lesser availability of inscriptions for the earlier period would affect the picture.

4. A late-Republican crux

*Vilici* involved in tax collection are not attested during the Republican period, and the evidence for the position of toll station manager is scarce. A noticeable exception is provided by Cicero, who incidentally describes the organization of the system of tax collection in Sicily in a speech aimed at uncovering the shady activities of the governor of this province.\(^{93}\) The affair involved two representatives of the company of publicans which had taken on contract the collection of customs dues in Syracuse and of grazing dues in the whole province of Sicily in the late 70’s B.C. One L. Canuleius, whose function was to run the office or toll station in the harbor of Syracuse (“qui in portu Syracusis operas dabat”), had sent reports to the *magistri* of the company in Rome concerning the criminal activities (theft and tax evasion) perpetrated by Verres.\(^{94}\) Another official involved in the scam, L. Carpinatus, was the *promagister* of the *scriptura* of Sicily. After sending the same kind of negative reports concerning unspecified wrongdoings, Carpinatus had become Verres’ accomplice and had worked successfully to overturn the latter’s bad reputation among the *socii* of the company.

The nature of the relationship between L. Canuleius and L. Carpinatus has been interpreted differently by modern scholars. J. Carcopino, H. de la Ville de Mirmont, S.J. de Laet, and J.P.V.D. Balsdon all see in Canuleius a “chef du bureau des douanes de Syracuse” subordinated to L. Carpinatus.\(^{95}\) E. Badian, however, regards it as probable that Canuleius was also a *promagister*, explaining that the expression “operas dare,” which “implies, in the Roman aristocratic view of things, a rather lowly station in life,” is not inconsistent with this interpretation.\(^{96}\) Cicero’s account is somewhat confusing, because he keeps jumping back and forth from one case to the other. However, he never suggests that Carpinatus was influential in permitting Verres to export “quantities of gold, silver, ivory, purple dye, garments from Malta, lots of carpets, numerous vessels from Delos and vases from Corinth, loads of wheat and honey” from Syracuse without paying any customs dues.\(^{97}\) He may have known and approved of it, but had no hand in it. Conversely, Canuleius had nothing to do with the fraudulent financial trans-

\(^{90}\) Cic., *2Verr*. 2.69.167-78.191.

\(^{91}\) Cic., *2Verr*. 2.70.1-17: “Furta quoque iustius permulta nominata ad socios perscripta, ex quo sine portorio Syracusis erant exportata.”


\(^{94}\) Cic., *2Verr*. 2.72.176 and 74.182-183.
actions that took place between Carpinatus and Verres, alias Vernecius. This seems to indicate that both employees were acting independently and could very well hold similar positions (one in connection with the collection of portoria, the other in connection with the collection of the scriptura), even though the title of promagister is never explicitly used in reference to Canuleius.\textsuperscript{98}

Thus, Cicero’s report provides no evidence that the collection of customs dues was comprised within the sphere of competence of the promagister in charge of the collection of the pasture tax (scriptura) for the whole area, or that the actual work of collection at each statio was being carried out by a deputy whose title remains unknown. Some uncertainty remains, however, concerning the nature of the functions of promagistri. Badian suggests that they were “in charge of the keeping of the accounts as well as of collecting the actual taxes.”\textsuperscript{99} The fact that they were paid employees—operas dare refers to locatio operarum—does not imply that they were involved in anything more than supervisory work. If we were able to establish how many promagistri were employed by the company of publicans which had secured the contract for the collection of the “scriptura et sex publica” in Sicily,\textsuperscript{100} we would be in a better position to estimate to what extent they were personally involved in the operation. Concerning the number of promagistri, Badian rightly says that there is no way to tell. However, Cicero draws the attention of the judges to the fact that the loss incurred by the company, as reported by Canuleius (60,000 sestertii in two months), represented only part of the total sum that the publicans may have lost to Verres, because this figure does not take into account the exports that could have been made illegally from other Sicilian ports, such as Agrigentum, Lilybaeum, Panormum, Tharre, Halaesa, Catina, and Messana. As Cicero does not tell who would bear this unestimated loss, it is possible to surmise that in each of these harbors, there was one of Canuleius’s colleagues, representing the same or another company of publicans. If the same company had a contract for the collection of customs dues in the whole island, the promagister stationed in Syracuse probably had agents in the other ports. This hypothesis could be supported by one inscription found in Lilybaeum and originally set up by one Lo(n)gus, a slave who bore the title of actor potius or -oritii Lilybaeum\textsuperscript{101} This document, however, is certainly to be dated much later (second century A.D.) and does not tell anything about Republican conditions. It only suggests that slave agents could have been appointed to a statio for the purpose of collecting customs dues, and that Syracuse might not have always been the regional administrative center in Sicily, or at least, not the only one.

The system of collection taken on contract by companies of publicans remained in place during the Principate.\textsuperscript{102} The epigraphical evidence for this period is more abundant and provides some interesting cases of vilicii appointed by socii. At Capua (Regio I), we find one Epapi(h)ra, vilicus of the socii Sisaponenses, who had been buried and commemorated by his concubine. This company of publicans is already mentioned by Cicero and was in charge of collecting revenue from the mines located at Sisapo in Baetica.\textsuperscript{103} At Carthage, an inscription records the name of one Onomastus, vilicus summarum of the socii quattuor publicorum Africam.\textsuperscript{104} Finally, in Gaul, a sociorum XL vilicius ad Tur(?) dedicated an inscription to Mater Mithrae.\textsuperscript{105}

The relationship between promagistri and vilici remains uncertain, because they are never mentioned together in ancient texts and inscriptions. One exception might be provided by a Latin inscription from Africa recording the joint dedication of a shrine (edicula) to Venus by two promagistri sociorum IIII quattuor publicorum Africam and its subsequent renovation by a vilicus.\textsuperscript{106} Nothing indicates, however, that the vilicus was subordinated to the promagistri. Whether or not these Imperial inscriptions illustrate Republican conditions remains a matter of guess.

\textsuperscript{98} E. Badian (1972) 140, n. 42.
\textsuperscript{99} E. Badian (1972) 75.
\textsuperscript{100} Cic., 2Verr. 3.71.167.
\textsuperscript{101} CIL X 7225. The inscription commemorates Salvius Plotius and Salvia Rufa.
\textsuperscript{102} P. A. Brunt (1990) 334-342, exp. 356; 360; and 366 (cf. above). Cf., for instance, AE 1964, no. 239 (Albinumilium/Regio IX); and AE 1975, no. 202 (Teleia/Regio IV). Promagistri are still attested in Sicily and in Asia in the early second century A.D., cf. CIL III 14915 (ILS 7193-7195, A.D. 103/4); AE 1924, no. 80 (Epheus/Asia, Trajanic); AE 1930, no. 87 (Epheus); and Insr. Corinth 8.3.100. Cf. M. Alban, Q.C 9 (1987) 59-60; and 72-76.
\textsuperscript{103} CIL X 3964 (= ILS 1875); Cic., Phil. 2.19.41; and Pliny, HN 33.118.
\textsuperscript{104} CIL VIII 1128 (= ILS 1873, Carthage).
\textsuperscript{105} CIL XII 2348 (= ILS 4816). The place could be Turicum/Upper Germany, where a procurator in charge of a statio of the XL Galliarum is attested (CIL XII 5324).
\textsuperscript{106} AE 1923, no. 22 (= ILAf 257, Thuburbo Mami/Africa Proconsularis).
Very little is known concerning the lower positions in the system of collection of the *auctigalia* in the Republican period. In the case described by Cicero, the *promagister* Carpinius was assisted by a bookkeeper—the one who tampered with the accounts—who was a "servus societatis qui tabulas conficeret," namely a *tabularius*.\(^{107}\)

The rest of the staff was made of *portitores*\(^{108}\) and of *custodes*. As we have seen above, the evidence for the early Empire is more abundant but hardly more explicit about the nature of the operations performed at toll stations and about the respective responsibilities of the members of their staff.

5. Conclusion

The application of the *vilicus* system to the organization of the collection of taxes, in particular of customs dues, is attested from the first to the third century A.D. and may go back to the late Republican period, for which the evidence is not explicit. In the provinces, it is possible that most known *vilici* were connected with tax collection, a fact which illustrates the lasting and widespread success of the *vilicus* system for direct management.

Fiscal *vilici* were presumably appointed by the representatives of the companies (*magistri* or *promagistri*), by tax farmers, or by imperial officials (*procu-ratores*). They seem to have been in charge of administrative units called *stationes*, and were assisted by a specialized staff. The transactions performed by these *vilici*, like the rights and duties of their principals (*socii*, *conductores*, *magistri*, *promagistri*, *procu-ratores*), were regulated by the edict of the urban praetor in Italy and by the edicts of the governors in the provinces. In that sense, the managers of toll stations were typical *insitores*.

The same system of management was presumably in use in both provincial administrative centers and in the *stationes*. Even though it is difficult to trace any development in the way the system was run, I do not see any reasons why management should have been significantly affected by the transfer of the organization from the

companies of publicans to individual tax farmers (*conductores*) and finally to the imperial administration. In any case, *vilici* are attested at all three stages of development.

C. Entertainment

The steady progress of urbanization in Roman Italy during the late Republican and early Imperial periods led to significant improvements in the life-style of a wide range of the population. What had been before the preserve of the wealthy became increasingly accessible to the majority of town dwellers, as most Italian cities—and the same is true of many places all over the empire—displayed as necessary features a forum surrounded by public buildings, streets and public places with porticoes, markets, aqueducts, sewage systems, and all kinds of recreational facilities for sports and cultural activities.\(^{109}\) In many cases, the infrastructure had initially been created with private means for private use, but the search for economic or political profits induced some owners to switch to the commercial exploitation of such facilities. What started as a luxury and privilege soon became a necessity and a right, and both the municipal and the imperial administrations had to intervene in order to make these amenities accessible at the lowest cost—or free of charge—and on a regular basis.

This section will try to demonstrate how the management of public facilities, such as (a) baths; (b) libraries; and (c) places of mass entertainment (theater, amphitheater, and circus), was devised at first by private owners and/or entrepreneurs before it was taken over by the municipal and imperial administration, which entrusted these facilities to the care of *curatores* and *procu-ratores*. All three types of units share similar features in their organizational structure, which they seem to have borrowed from agricultural estates (*vilicus* system). It is obvious that the list of urban managerial units geared toward the satisfaction of the needs of private individuals and of the community as a whole, either on a commercial or civic basis, could have been much longer. Such a list would include temples (*aedes, templum*), residential buildings (*praetoria, domus, insulae*), civic buildings (*curiae, basilicae, sucipia, villae publicae, amaria*), prisons (*carceres*),

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107 Cic., *2Verr.* 2.76.186-78.191, esp. 77.188. The *tabulae* were the books recording the loans granted by Verres through Carpanius.


police and fire stations (castra, stationes, excubitoria), aqueducts (aquae, lacus, castella, stationes, munera), granaries (horrea) and cellars (cellae), markets (fora, macella), stores and workshops (tabernae), bakeries (pistoriae), etc. Several of these units are known to have been managed by a vicarius or his like (aeditus, praepostus, opio, etc.), but will not be the object of a specific study in this book.

1. Baths

By contrast with the Greeks, the Romans never developed the practice of keeping separate public sports grounds (gymnasia). The Roman way was to integrate it in the broader institution of baths (balnea). Thus, we know that a ball court (sphaeristerium) was attached to a public bath in early Imperial Rome. Likewise, in Pliny’s villa at Tibernum, a luxurious bath complex contained a ball court which was large enough to accommodate several teams playing different games at the same time. The same is true of his Laurentine villa. In a famous letter to Lucilius, Seneca describes the baths located below his apartment, and complains about the groans of out-of-breath weight lifters and the nuisance of ball players counting points. In larger complexes, such as the Baths of Caracalla or Diocletian, customers could find gymnasia and stadium, in addition to other kinds of amenities for their physical and intellectual pleasure.

Private baths existed before the creation of public baths and were


114 Cic. *Glo. 51.141; Car. 25.61-62; Res. Am. 7.18; and Juv. 7.3-5*, mocking the initiative of two unknown poets attracted by the business (“cum iam celebris notitia poetae. balneolium Gabini, Roman conducere formati / temptant”). Cf. O. Robinson, *Sodalitas III* (1984) 1065-67, who suggests that there was a difference in the Latin terminology between privately owned baths opened to the public (balnea or balneum [plur.]) and private baths for personal use (balneum); cf. Varro, *Ling. 9.68*; Ulpianus (18 ad Sub.) *Dig.* 7.1.13.8; and Papinianus (7 rep.) *Dig.* 32.91.4. The distinction was not always respected, cf. Labico (*L. post. a laudibus epist.* *Dig.* 19.2.30.2; and *FHV 12*, no. 105, lines 19-31 (Les matellis Vipsanensis, second century a.d.), where the conductor balnei (coxus aeternae eius) collects half an as from every male customer and an as from every female customer.


116 The entrance fee in Rome seems to have been one quadrans for the men and one semis for the women; from the mid-first century B.C. to the end of the first century A.D.), Lead tokens, dating from the Flavian to the Antonine period, have been found; cf. R. Turcan, “Jetons romains en plomb. Problèmes de datation et d’utilisation.” *Latomus* 47 (1988) 625-34.

lic baths, and this is true especially outside of Rome.118 Pliny mentions the existence of three public establishments in the settlement (vicus) located in the vicinity of his Laurentine estate. He himself would not have considered it unfitting for a man of his status to use them under certain circumstances.119 To this effect, Pliny donated a sum of money—the exact amount is not preserved—to his native town of Comum for the construction of public baths, for their decoration, and for their maintenance.120 Under normal circumstances, public money would have been injected into the business.

We have some evidence concerning baths management, which would have been entrusted either to private contractors (conductores, mancipes)21 or to business managers. A combination of the two was also possible: at Vipasca (Lusitania), the contractors (conductor socius), who had leased the baths from an imperial procurator, could be represented by a business manager (actor).122 There is not much evidence about the management of private establishments. There is a slight chance, however, that one of the five private dedications referring to an insitor is to be connected with baths. The inscription was found in Roman baths located near Tufter in the province of Noricum. A freeborn, Tattus, had dedicated a monument there for himself and his relatives, including one Tato, who, at age 15, was the agent of one Mocianus.123 The connection is fragile, and the detail unclear, but the management of so costly a facility would hardly be carried out by someone who was rich enough to own or rent it. Wealthy Romans who could afford to keep their own baths, such as the Statilii Tauri, had slaves balneatores take care of them.124 Technical problems were fixed by skilled workers called fabri balneatores.125 At Pompeii, a freedman named Januarius was the keeper of an establishment owned by one M. (Licinius) Cassius Frugi, perhaps to be identified with the consul of A.D. 27. The facilities must have been quite luxurious, because the inscription advertises both sea and fresh water.126

Imperial baths were also operated by a servile staff called familia thermaea, the manager of which was called a vilicus.127 He was probably the person who made arrangements to secure water and fuel supply, who hired staff workers to perform menial tasks (custodes), and who contracted for building maintenance. Imperial vilici were also in charge of public baths, because public slaves are not attested in this function in Italy. It must be stressed, however, that the emperor Trajan, in response to Pliny’s question concerning the fate of convicts in Bithynia, asserts that “people of this kind are usually employed in baths, in sewage cleaning and in street and road construction.”128 These people were more likely to be employed as cleaners and attendants than as managers.

As noted above, private ownership did not entail private use.129

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118 The mid-fourth-century Catalogue of the Fourteen Districts of the City (Curiares Urbis Roman) lists the number of baths for each region, and the high figure suggests that it includes private, public, and imperial baths, though the summary might reflect only the number of imperial (and public?) establishments. The evidence for other cities points toward the same phenomenon: at Pompeii around 79, there were three public establishments, one at least under construction (J. Stambaugh [1988] 267), and the same number at Ostia by the time of Hadrian (ibid. 272-274); at Tingad (Numidia), one counts no less than 12 public baths in the late second century (ibid. 285).

119 Pliny, Ep. 2.17.

120 ILS 2927 (= CIL V 5262). On the financial burden represented by the maintenance and operation of baths by municipal government, cf. W. Liebenam, Städteverwaltung im römischen Kaiserreich (Leipzig 1900) 93-98. In the late third century, the collegium thermae was a liturgy, cf. Hermogenesianus (1 epit.) Dig. 50.4.1.2 and Arcadius Chaucius (sing. de num. civ.) Dig. 50.4.18.5. The supply of oil for the baths was an aspect of the cura anonaeus (cura balnearia), cf. W. Langhammer, Die rechtliche und soziale Stellung der magistratus municipales und der decuriones (Wiesbaden 1973) 177, n. 914.

121 Laberius (4 post. a laetovena epit.) Dig. 19.2.58.2; and Aenianus (8 quaest.) Dig. 20.4.9 pr. The owner is responsible for repairs, cf. FIRA I, no. 105, lines 19-31 (Lex metalli Vipassiensi, second century A.D.), while the daily maintenance is the task of the contractor.

122 FIRA I, no. 105, line 24.

123 CIL III 13523.

124 ILS 7412 (= CIL VI 6243).


127 The term familia thermaea, however, is attested only in a private dedication from Patavium (CIL V 1886). For vilici attached to baths, cf. CIL VI 8676 (Thermae Neorioniae); and 8679 (Thermae Bybliothecae Graeci); AE 1924, no. 105 (Rome, Thermae Neorioniae); and MAAR 10 (1932) 73 (Rome, Bathcem Calcinium).


129 W. Liebenam (1900) 19-20; and 94, n. 4.
Private baths could be rented by a municipal aedile on a yearly basis for free use by the population. Such arrangements probably made the reliance on baths managers inescapable, and various schemes were possible: the manager could be (a) the owner of the baths (called balneator by Alfenus); (b) a private slave belonging either to the owner of the baths or to the magistrate who rented them; (c) a paid employee; or (d) a subcontractor.

The advantage of having a slave manager at the head of such an establishment consisted in sparing the owner the mark of infamy regularly attached to those operating such businesses. Ulpius reports that in some provinces baths, like inns and taverns, were used as a cover for prostitution, and that the baths manager was regarded as a pimp (leno). The sign "balinea" promised more than it says, not unlike our "salons de massage." 131

Supervising magistrates or commissioners (curatores) are rarely mentioned in the sources, because the cura balnei became a liturgy at an early stage. In the late second and third centuries A.D., famous athletes were granted the honor of being overseers of imperial baths, a function which was probably merely honorific and did not carry much obligation on the part of its holder. 132

2. Libraries

Libraries, both public and private, were rather common in the Hellenistic world. The major institutions at Alexandria, Pergamum, and Antioch are known to have been headed by famous scholars and became intellectual centers of primary importance. These libraries contained the private collections of the kings and were reserved to select users.

In the Roman world, private libraries existed before the time of Caesar: Aemilius Paullus, Sulla, and Lucullus reportedly brought back many books from their military campaigns in the Greek East, and kept them as part of the booty. Some private collections could be fairly extensive: Cicero's friend Atticus was famous for keeping several copyists to take care of his personal library. Private libraries belonged to the nobility and were often kept in rural or suburban villas. The books which were frequently used were considered part of the farm equipment, the others which were only stored there were excluded from it. There is little evidence concerning the staff of librarians who took care of these private collections, but, in view of the terminology used in the context of the


132 Nep., Att. 13.3 and 13.4 ("plurimi librarii"). In the third century A.D., the poet Serenus Sammonicus reportedly owned ca. 62,000 rolls (SHA, Carp. 18.3).

133 Plut., Luc. 42; and Cic., Fin. 3.2.7-8. The books were brought back in 66 B.C. from the Mithridatic War and arranged on the same pattern as the library of Alexandria in his villa at Tusculum. The Villa dei Popoli at Herculaneum was offered by L. Calpurnius Piso Caesoninus (cons. 58 B.C.) to the philosopher Philodemus of Gela, whose library was partly found there (cf. below).

134 Ulpius (20 ad Sab.) Dig. 33.7.12.34. "Instructo autem fundo et bibliothecam et libros, qui ilic erant, ut quotiens venisset, uteretur, contineri constat. Sed si quasi apotheca librorum ubatur, contra erit decendum." Cf. also Paulus, Sent. 3.6.51; "Instructo fundo legato libri quoque et bibliothecae quae in edem fundo sunt legato continetur."

135 Cicero, whose libraries were located in Rome, Cumae, Antium, and Tusculum, speaks of librarii, librarchi, and glutinatores (Att. 4.4.1 [56 B.C.]; 4.5.3 [56]; 4.8.1 [56]; and QFr. 3.5.6 [54]); cf. T. Dorandi, ZPE 50 (1983) 25-28. Cioko's
management of public and imperial libraries in Rome, one can surmise that the estate manager (vilicus) was involved. In so far as private libraries were circulating books among the friends of the owner, someone had to make the decision which book could be taken out by whom. Atticus seems to have been particularly picky about this rule, since even Cicero had to present the person in charge a written permission from Atticus himself in order to borrow a book in the latter's absence.

As far as public libraries in Rome are concerned, there is no trace of any before the first century B.C. In the aftermath of his victory, on the way to which parts of the Great Library of Alexandria had been burned down in 48 B.C., Caesar planned the construction of the largest library of Greek and Latin books. For this purpose he appointed M. Varro, an established scholar at this time and the author-to-be of a treatise De Bibliothecis, as a commissioner (curator) to be in charge of procuring and classifying the books. As a result of Caesar's assassination, the project was never carried out, but Caesar had set a precedent that was followed a few years later (ca. 39 B.C.) by C. Asinius Pollio, who, as Pliny the Elder reports, was the first to use the proceeds of his campaigns to make public the talents of mankind. Once again, Varro was asked to coordinate the enterprise. Augustus followed on, founded a library (ca. 28 B.C.) in the portico of the temple of Apollo on the Palatine, and appointed slave Dionysius, who was in charge of his master's library, stole some books and fled to Dalmatia (Pom. 13.73.3 [46] and 5.10a.1 [44]).

In the same way, the vilicus of the domus Tiberiana (ILS 1629 = CIL VI 8655) may have been both a house manager and a library manager, since it is known that a major collection was located there (Gell., No 13.20.1).

Cic., Att. 4.14.1 (writing from Cumae or Pompeii to Atticus who was on a trip to Epirus in 54 B.C.).

J. Stambaugh, The Ancient Roman City (Baltimore/London 1988) 121; 139; 350, n. 39; and 351, n. 41 for a list of known public libraries in Rome; and P. Fedeli (1988) 48-51, who discusses the evidence concerning the development of public libraries in Rome and who mentions that four-century regimentsariums (Curarium and Notitia) provides the dubious-high figure of 28 (29) public libraries in Constantine's time: cf. L. Homo (1950) 292-93.

It seems established now that in spite of Plutarch's assertion (Caes. 49.6), the destruction was limited to some book depository located in the harbor area. Cf. A.K. Bowman, Egypt after the Pharaohs (London 1986) 225; and Mustafa El Abbadi, The Life and Fate of the Ancient Libraries of Alexandria (Paris 1990) (non vid.).

Suet., Jul. 44.4: "curam comparandarum ac digerendarum [bibliothecarum]."

Pliny, HN 7.115 and 55.10; Ov., Tr. 3.1.71-72. The library was located in the temple of Libertas.

as (pro)curator ("cui ordinandas bibliothecas delegaverat") Cn. Pompeius Macer, another famous scholar, whom he forbade to publish or circulate Caesar's early works.

It is not clear when the position of procurator bibliothecarum Graecarum et Latinarum (a bibliothecis - ἐπίτροπος βιβλιοθηκῶν Ῥωμαίων τε καὶ Ἑλληνικῶν) was created, but we know the names of several scientific and literary writers and of one jurist who held the position from the reign of Nero to the reign of Antoninus Pius. All of them were of equestrian rank (ducanari or sexagenarii) and were very close to the emperor. I suspect that the position encompassed all public and imperial libraries of the city of Rome.

Lower levels of management are more elusive: according to Suetonius, C. Melissus was born free, then exposed and raised as a slave. After his manumission, he became close to Augustus who entrusted him with the supervision of both libraries of the Porticus Octaviani. The wording of Suetonius's account is quite similar to that used in describing Macer's appointment (cf. above); therefore, it is not inconsistent with the position of procurator. An inscription dated to the reign of Claudius or Nero and presenting an imperial freedman, T. Claudius Scirius, in the capacity of procurator bylibothecarum or -iothecarum?, suggests that Melissus was a freedman procurator. By contrast with Macer, Melissus's function comprised only the administration (cura bylibothecarum ordinandarum) of the libraries of the Porticus Octavi iniae. In the same way, C. Iulius Hyginus, a Spanish slave manumitted by Augustus, was the head of the Palatine Library. So it seems that equestrian and freed procurators of...
libraries lived side by side, which is not entirely surprising, as freedmen are found playing the role of deputys of equestrian officials in other areas of imperial administration. The difference between them consisted perhaps in the scale of their attributions, the equestrian official supervising all the libraries of the capital while his freedman counterpart was assigned a group or just a pair of libraries.

The management of individual libraries, or of a section of it, was left to a vilicus. Thus, Saturninus was a ser(uus) vili(cus) a bibliotheca Lat(ina), and Hymnus Aurelianus was the vilicus of the bibliotheca Latina Porticus Octaviae. In this latter library—which had been dedicated shortly after 23 B.C. by Octavia, Augustus's sister, to honor and commemorate her son Marcellus—the Greek and Latin sections were administered separately. It is not known whether this practice was always respected, but we happen to know that some private libraries were organized in two distinct sections, reflecting the wealth and the education of their owner. Thus, Trimalchio sounds all the more presumptuous, when he refers to his twin libraries (some editions have even three!), considering his limited education. In the Villa dei Papiri at Herculaneum, 1073 rolls were found in five different locations. The Latin texts are few (less than 60) and come mostly from a box (capsa) on the verge of being transferred to a different location within or outside of the villa (perhaps to be rescued from impending destruction in A.D. 79). The scarcity of Latin rolls in a library constituted probably in the first century B.C. suggests that a significant part of the collection (the Latin section) has not yet been found.

To return to the Bibliotheca of the Porticus Octaviae, one can surmise that if Hymnus Aurelianus was in charge of the Latin section of the library, another vilicus was probably in charge of the Greek section. Hymnus may have been an imperial slave who once belonged to a certain Aurelius, but it is surprising that he did not advertise his status of member of the imperial household. His connection with Octavia's dedication entitled him to an epitaph on the Columbarium of the Marcelli. Additional evidence concerning the staff of the library of the Porticus Octaviae suggests that Hymnus, like his predecessor or successor Montanus Iulianus, was a public slave. This is illustrated by a couple of inscriptions concerning two members of the staff, Soterichus Vestricianus and Philoxenos Iulianus. To sum up, it seems that Augustus employed an independent freedman, C. Melissus, to supervise the administration of a privately-founded, but publicly-run library, the owner of which was a member of the imperial family; each section was run by a public vilicus at the head of a familia publica. Obviously, the Romans were not so sensitive as we are regarding the distinction between private, public, and imperial sectors.

By contrast with the libraries of the Porticus Octaviae, the Greek and Latin libraries attached to the temple of Apollo in Rome were staffed with imperial slaves. Imperial vilici a bibliotheca are attested both in Rome and at Ostia. The trend seems to show a progressive takeover by the imperial household of positions originally filled by public slaves.

Libraries were often part of a larger architectural complex, such as a villa, a temple precinct, or baths (cf. above). Conversely, they were sometimes sheltering other activities: an imperial slave named Onesimus is recorded as vilicus thermorum a bibliothecae Graecae. In that case, it is possible that the whole complex was run by a common staff. Often, however, libraries were housed in separate, in-

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149 AE 1959, no. 300 (Rome, Neronian date).
150 ILS 1971 ( ∞ CIL VI 2347 = 4451). Hymnus belonged to a funerary association in which he was the head of a decuriae; cf. L. Halkin, Les esclaves publics chez les Romains (Paris 1897) 123, who discusses the inscription and provides parallels (CIL VI 5199; 5208; 5361; and 5362). Even slaves and women could hold the position of decuriae.
151 Plut. Marc. 30.
153 G. Cavallo, "I rotili di Ercolano come prodotti scriti: quattro riflessioni," Scritture e civiltà 8 (1984) 5-30; F. Longo Auricchio - M. Capasso, "I rotili della Villa ercolanea: dislocazione e ritrovamento," BCPE 17 (1987) 37-47; M. Capasso, Manuale di papirologia ercolanea (Lecce 1991) 63-83, who suggests that the room where 840 rolls were found could have been a sort of depository for both Latin and Greek texts. Others speak of a workshop, the actual library being still undiscovered.
154 CIL VI 4435.
155 ILS 1970 ( ∞ CIL VI 2349 = 5192) and ILS 1972 ( ∞ CIL VI 2348).
156 L. Halkin (1951) 264.
157 ILS 1588-1589 ( ∞ CIL VI 5188-5189).
158 CIL VI 8744 (A.D. 126); and ILS 1590 ( ∞ CIL XIV 196).
159 W. Eder (1980) 164 and 168; L. Halkin (1987) 100ff. considers that the turning point in the gradual shift from public to imperial management was the destruction of the library of the Porticus Octaviae under Titus (in 80) and its reconstruction under Domitian.
160 CIL VI 8679.
dependent buildings: Vespasian reserved some space on his *Forum Pacis* for the purpose of a library and a museum.\(^{161}\)

Public libraries were not confined to the city of Rome; ca. A.D. 97, Pliny the Younger donated one at the cost of 1,000,000 sestertii to his native town of Comum with an additional sum of money (100,000 sestertii) for its maintenance (*tutaia*).\(^{102}\) It is likely that the town of Comum used part of the money to support a *vicius a bibliotheca* and a few public slaves or contracted with a skilled librarian to operate the facility. There is no evidence concerning this point.\(^{163}\) We know of other public libraries at Tibur, Volatini, Tortona, Centumcellae, and Mediolanum, to limit the list to Italy.\(^{164}\) These institutions seem to have been run by the municipalities, even though they had been created by private donations. One cannot exclude, however, the existence of imperial libraries outside Rome: the library at Susa was called *bibliotheca M/attudiana* and was probably built by, or dedicated to, Hadrian’s mother-in-law who had died in 119.\(^{165}\) The building was obviously used for public events, such as the drawing of official documents. An inscription recording an imperial *vicius* was found at Ostia, which suggests a public/imperial library existed in this town.\(^{166}\) Since Susa and Ostia

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\(^{161}\) For the administration of museums, cf. J. Beaujeu, “A-t-il existé une direction des musées dans la Rome impériale?” CRAI (1982) 67-86, discussing ILS 7213 (= CIL VI 10324, *Lea collegii Aesculapi et Hypiae*, A.D. 153) commemorating Flavius Apollonius, an imperial procurator “qui habuit a piana theos” and his assistant (*adulator*), an imperial freedman. According to Beaujeu, the function was probably created by Hadrian on the model of the *procurator a bibliotheca* and suppressed by Antoninus Pius (SHA, *Ant. Pius* 7.6-7) to be taken over by another department. There is no evidence for a *vicius piana theos*, but since museums were often located in temples, baths (*thermae*, cf. above), libraries, porticoes, and parks (*hori* and *capta*), many an *anibius* and *vicius* *thoronnius*, a *bibliotheca*, *hori* or *capta* (ILS 9029 = CIL VI 37175 = AE 1910, no. 114) acted as museum curator; cf. L. Homo (1951) 264-65; 410-11; 417; and 597-98.

\(^{102}\) Pliny, *Ep.*, 1.8; and ILS 2927 (= CIL V 5262).

\(^{163}\) M. Rostovtzeff, SEHRE (1957) 601, n. 10 mentions that “the little city of Teos organized its own library and spent money to have books copied, to pay librarians and to restore books (SEG II 584, first century B.C. or A.D.?). Unfortunately, this inscription is in a very bad condition, and cannot be dated with certainty.”

\(^{164}\) Cf. L. Richardson, “The Libraries of Pompeii,” *Archaeology* 30 (1977) 394-402, esp. 400-02 in which the author identifies the so-called *Sacellum Larum Publicorum* as one of the earliest buildings providing archaeological evidence for a public library. For a list of known public libraries in Italy and the rest of the empire (Athens, Halicarnassus, Ephesus, Miletus, Priene, Smyrna, Pergamum, Carthage, and Timgad), cf. P. Pedeli (1988) 51-52.

\(^{165}\) ILS 6296 (= CIL X 4670, A.D. 193).

\(^{166}\) ILS 1590 (= CIL XIV 196).

were located in the vicinity of Rome, the management of these two libraries could be actively supervised by the imperial procurator.

What were the tasks to be performed by library staff (*a bibliotheca*), private, public, or imperial? The main functions of the librarians were to buy books, to copy or improve some manuscripts,\(^{167}\) to replace them in case of wear, to get an idea about their content in order to place them in an appropriate location, and finally to circulate them. In a famous letter addressed to his tutor Fronto, Marcus Aurelius describes what happened when the same book was wanted by more than one person: the second-in-line had to put pressure on the librarian (*bibliothecarius*) in order to get a hold of the coveted roll, and all the more so when the reader in possession of the book was the emperor.\(^{168}\)

The management of public libraries in Rome was in the hands of the imperial bureaucracy and therefore subject to change with it. A dubious tradition recorded by the *Scrip torum Historiae Augustae* attributes to the reign of Aurelian (270-275) the transfer of the procuratorship of public libraries to the Urban Prefect.\(^{169}\) That such a change actually took place is demonstrated by the fact that by 372, the Urban Prefect in Constantinople was assisted by a staff of seven *antiquarii*, four for the Greek section, and three for the Latin one, which incidentally indicates that the division between Greek and Latin sections had been maintained. Their job consisted in copying and repairing manuscripts. Besides, the emperor called for the appointment of a larger number of people of lowly status (*condiciones*) to run the facilities.\(^{170}\) There is no reason to think that the hierarchic structure attested at the level of the staff of the library during the early Empire had been discarded, but there is no proof either for its continuing existence.

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\(^{167}\) The making of magical handbooks provides a glimpse of the organizational structure of copyists’ workshops; cf. F. Maltoni, “I papiri greci,” *SCE* 29 (1979) 55-134, in part. 56, nn. 2-5, shows that his first papyrus is copied (partially) in five other papyri (2-6). The identification of several hands, as well as the multilingual features of the handbook (texts in Greek, Coptic, and Aramaic), which was made on the basis of “recitari, fattore specifiche e annuletti,” imply an important workshop. For archaeological evidence for a “laboratory” where handbooks were produced (and tested?), cf. R. Wünsch, *Antikes Zaubermerk aus Pergamon* (Berlin 1905) (non vidi).


\(^{169}\) Constituion of Valens addressed to the Urban Prefect Clearchus (*Cod. Theod.*, 14.9.2).

\(^{170}\) Cf. also Gell., *NG* 19.5.4.
3. Performing arts and sports

The monuments designed for mass entertainment included theaters and concert halls, amphitheaters, circuses, naumachiae, and stadia. According to fourth-century documents (Curiosum Urbis Romae, Notitia de Regionibus, Breviarium, Polenius Silvius, Zacharias) combined with earlier evidence, it seems that the population of Rome had at its disposal no less than four theaters, one concert hall, five amphitheaters supported by five gladiatorial schools (ludi), four circuses, four naumachiae, and one Greek stadium. Some of these facilities being in operation for a short period of time, this list constitutes a maximum, but it illustrates the importance of public buildings with recreational purposes in Rome, a phenomenon which is matched in many cities all over the empire, as the archaeological evidence shows. Some of these buildings existed already in the late Republican period, and, like baths and libraries, were often born out of the generosity of private individuals.

As will be obvious in this section, the entertainment industry was in the hands of private entrepreneurs in the beginning, and was little by little financed, supervised, and finally organized by the state, municipal, and, above all, imperial administration. Private enterprise might have suffered a lethal blow in A.D. 27 with the collapse of the amphitheater at Fidenae, which, according to Tacitus, left fifty thousand people dead. The cause of the disaster was attributed to the cheap construction of the wooden structure set up by a local freedman who was driven more by greed than by political ambition. What Tacitus does not say is whether Attilius was a free entrepreneur acting on his own initiative to take advantage of the proximity of the Roman crowds or whether he had been commissioned by municipal magistrates. The wording of the decree of the senate ("ne quis gladiatorum munus ederit, cui minor quadrinorgenitorum milium res, neve amphitheatrum imponeretur nisio solo firmatis spectaculac") taken in the aftermath of this tragedy suggests that

Attilius was a mere speculator. From then on, entertainment businessmen were supposed to have equestrian census, which makes it quite likely that they were relying on business managers.

a) theaters

In spite of the fact that many plays from antiquity have been preserved, we know very little about their production. In one of Plautus's prologues, which may have been rewritten in a later period, one character says that the success of the play would benefit the company (gress), its owners or directors (domini), and those who hired them (conductores). A theatrical company (gress, catena, or factio) was a group of artists (histriones, mini, pantomimi, archimimi, scenici, etc.) who were partners, hired employees, or slaves. A company could not exist without a general manager or impresario, called locatur, who was in charge of negotiating contracts with playwrights and possibly the owner of facilities on which the play would be staged. Locatari are known mostly through the inscriptions they sometimes set up to honor or commemorate one deserving or deceased member of the company. Thus, the locatus was the owner of all or some of the company actors, in which case he could be referred to as dominus scenarious or dominus gregis. Nothing prevented him from being an actor himself and an active member of the company. The position of locatus may also have been an elective office.

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118 ILS 5206 (= CIL XII 737, Arelate/Gaulia Narbonensis), although the term could apply to supporters.

119 ILS 5217 (= CIL VI 10109, "sociarum mimarum").


121 Ulpianus (20 ad Sib.) Dig. 32.73.3: "Proinde si quis servos habuit proprios, sed quorum operas locabat vel pictoriam vel historiam vel alias similas, servorum appellatione etiam hos legasse videatur?"


123 ILS 5206 (= CIL XIV 2299, Albanum/Latium), where an imperial freed-
ing 37 years as a Latin mime and 18 years as the company’s impresario.181 Fairly young people are also attested in this position.182 When the dominus scaenicorum and the locator scaenicorum were two different persons, one can surmise that the latter was a business manager whose contracts with third contracting parties (conductores, mancipes) made the former fully and jointly liable to an actio instioria.183 There is no direct evidence for such a scheme, but it is possible that Ambivius Turpio, who appears on stage as producer and actor-manager in Terence’s Heeys and who may have been a freedman,184 worked in the capacity of agent on behalf of some unknown owner. Company owners sometimes belonged to the elite: at Vienna/Narbonensis, the company called “scenici Asiatici”185 may have been owned186 by a relative of the senator Valerius Asiaticus, a character well known for his intrigues in the reign of Caligula and Claudius and whose family was considered large and powerful by Tacitus.187 It is quite likely that under these circumstances the dominus would rely on a business manager to run the show.

Theater people sometimes belonged to associations (corpus scaenicorum) administered by a magister/secretary (scribe): in addition to his

man had been elected locator diurnus (= diurnarius? i.e. long-term, regular agent?). Cf. H. Leppin (1992) 183-84, who states that the term diurnus resists any definitive explanation, but who suggests that it should be understood as a mark of higher status (special guest); the same author (184-86) interprets electus as adductus.

183 ILS 5298 (= CIL III 7343, Philippi/Macedonia): “...archimmem [sic...] promisthota...” Cf. also SEG XXX 593 (Serrai/Macedonia, II/III), featuring two θρεμβοθείαι; SEG XXXIII 466 (= AE 1910, no. 16, Larissa/Thessaly, I B C, θρεμβοθείαι); and CIL VI 10092 (locator scaenicorum), contra, H. Leppin (1992) 90, n. 20.

184 The locator scaenicorum Q. Gavius Armonius died at age 24, cf. ILS 5207 (= CIL VI 5819 = 10093).


186 Actors often mentioned the company to which they belonged; cf. ILS 5202 (= CIL V 2787, Verona/Regio X, “in greg(e) Vetuerian(a)”; and ILS 5204 (= CIL XII 737, Avila/Galicia, “Div / Manibus / Primigens / scenici ex / factione Eudoxi”)


position of elected agent (locator, cf. above), the imperial freedman M. Aurelius Plebeius was scritore et magister perpetuus corporis scaenicorum Latinorum. In this capacity, he had reportedly managed the affairs of the association with incomparable good faith.188

Theatrical companies were usually not attached to a specific theater, but were hired on a contractual basis. It is not clear whether the conductores or mancipes189 who hired them owned the facilities (theater or stage) where the performance took place, or had to rent them as well. There was no need for permanent structures, which in any case did not exist in Rome before the mid-first century B.C. (theater of Pompey, 55 B.C.).190 By this time, it is possible that some staff members, such as the stage director (choragius), the crier (praeco), the ushers (disponatours), and the security personnel (conquisitores), if not the artists themselves, were permanent employees of a specific establishment.

During the Principate, some actors were members of the imperial household,191 which suggests that they belonged to imperial companies administered by a freedman procurator scaenicorum,192 perhaps in connection with other imperial services, such as the department of performing arts (sumnum choragiUm) and the costume department (a vesta scaenica, cf. below).

b) amphitheaters

Gladiatorial games usually took place in amphitheaters,193 although other locations, such as theaters and public places, were also used. These events were organized by Roman and municipal magistrates.

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188 ILS 5206 (= CIL XIV 2299, Albanum/Latium), (“incomparable fide rem publicam gerenti corporis supra speciere...”); ILS 5228 (= CIL III 3980, Sicilia/Upper Pannonia), magister minitorum; and ILS 5205 (= CIL XII 1929, Vienna/Galicia Narbonensis, “Scenici asiatici et qui in codem corpore sunt, ...”).

189 ILS 5206 (= CIL XIV 2299, Albanum/Latium), set up by the mancipis gregum domatoria Augg.


191 ILS 5206 (= CIL XIV 2299, Albanum/Latium); ILS 5225 (= CIL VI 4886); ILS 5227 (= CIL VI 10129); etc.

192 ILS 5268 (= CIL VI 10088). For imperial companies (greges domitorum Augg.), cf. above ILS 5206 (= CIL XIV 2299, Albanum/Latium).

by appointed commissioners (curatores muneri),\textsuperscript{192} and by the emperors represented by members of the imperial administration (freedmen procuratores a muneri\textsuperscript{193} or procuratores muneri\textsuperscript{194}). The central administration was probably enormous. It coordinated the efforts of other services, such as those which supplied the clothes (ratio vestiaria or ratio vestium scaenicae et gladiatoriae [et venatoriae]) headed by an imperial freedman a commentarii ratiornis v. s. et g. (et v.).\textsuperscript{195} Those which supplied the animals for the venationes,\textsuperscript{196} and those which supplied the weapons to individual schools.\textsuperscript{197} We can only guess the structure of the bureaucracy assisting these officials.\textsuperscript{198}

Amphitheaters were managed by vitri at the head of a slave household. Hyacinthus, a slave who dedicated an inscription to his concubine and their daughter, was the manager of the first stone amphitheater in Rome.\textsuperscript{199} The amphitheater belonged to the Statilii.

\textsuperscript{192} ILS 5066 (= CIL IX 1705, Beneventum/Regio II), freedman (? Augustalis; ILS 6291 (= CIL XIV 2114, Lanuvium/Latium), municipal aedile; ILS 6295 (= CIL X 6090, Caeretum/Latium), military officer. On curatores iudicis and curatores muneri publici, cf. W. Liebenam (1900) 371, n. 3 and 372, n. 3. During the Republican period and the early Principate, the cura ludorum was part of the duties of aediles. W. Langhammer (1973) 153-56 shows that by the time of Severus Alexander all functions of the aediles, including the cura ludorum, had been taken over by curatores as liturgiæ (ibid. 180-82); cf. Hermogenianus (1 epist.) Dig. 50.4.1.2; and Langhammer 247.

\textsuperscript{193} ILS 1567 (= CIL XI 3612, Caere, under Domitian).

\textsuperscript{194} ILS 1738 (= CIL VI 8989, Rome, under Commodus). This man converted to Christianity.

\textsuperscript{195} ILS 1766 (= CIL VI 10089). The service was divided into three or more departments, each of which was presumably run by a freed praepositus, cf. ILS 1762 (= CIL VI 8555, a veste venatoria); ILS 5160 (= CIL VI 3756, a veste gladiatoria); and ILS 1764 (= CIL VI 8553, praepositus vestis scenaec).

\textsuperscript{196} ILS 1758 (= CIL VI 8583, procurator Laurento ad iberthum); AE 1955, no. 181 (Ocriculum, praepositus caemonitorum); ILS 5159 (= CIL VI 10099, praepositus herbarum), who supplied grazing (= bai) animals; and ILS 5158 (= CIL VI 10208, adiutor ad ferum). About trade in wild animals, cf. the mosaics at Piazza Armerina (Sicily); and F. Bertrand, "Remarques sur le commerce des bêtes sauvages entre l’Afrique du Nord et l’Italie (II s. av. J.-C. – III s. ap. J.-C.)," MEFR 99 (1987) 211-41.

\textsuperscript{197} ILS 5153 (= CIL VI 10164, praepositus ornatuarius leu Magus).

\textsuperscript{198} For a tabulariarius a muneri, cf. CIL VI 10162 et 33981 (same person). Every school (below, cf. below) employed secretaries (CIL VI 352 = 30746, commentarii), accountants (ILS 5154 = CIL VI 10166, dispensator), physicians (ILS 5152 = CIL VI 10173, medicus), messengers (ILS 5127 = CIL VI 10165, curier), and musicians (Sabatini Tunnonesi, p. 43, no. 36 and Juvi. 3.34-37, cornici or corniculares).

\textsuperscript{199} ILS 5155 (= CIL VI 10163). Cf. A. Manodori, Agitlitteri, circo e stadi di Roma (Rome 1982) 46; and J.-C. Golvin, L’amphithéatre romain (Paris 1982) 52-53, who points out that since the amphitheater was destroyed in fire of 64, it must have been built only partly in stone.

Tauri, an ancient noble family from Lucania close to the rulers in the triumviral and Julio-Claudian periods. Their interests in the building industry in the first century A.D. are well attested. The facility was run by their slaves, among whom one finds, in addition to the above mentioned vitricus, one custos et vicarius de amphitheatro and one ostiarius ab amphitheatro.\textsuperscript{200} It is interesting to note that the Statili Tauri were involved in both the construction and the management of public and private facilities.\textsuperscript{201}

Combat personnel was called familia gladiatoria, was quartered in a school (ludus), and was directed by a lanista.\textsuperscript{202} In the case of the Ludus Magnus in Rome, the administration was in the hands of an equestrian procurator.\textsuperscript{203} If the imperial administration had a de facto monopoly over the game business in the capital, private enterprise was thriving in other towns: at Venusia (Regio II), C. Salvius Capito employed his own slaves and the slaves of other domini (servi alieni) as well as free(d) men as gladiators. In addition to the recruits (tirones) who went probably through some kind of general training, all fighters had a specific function which was determined by the kind of weapon they bore, by the kind of technique they used in combat, or by their ethnic origin. Thus, they were called retiarii (who used a net and a trident), sagittarii (archers), mirrilmones and hoplomachi (heavily armed), velites (lightly armed), scissores (who used a sharp weapon), manicatii (who used a hook), paegniarii (fencing specialists), scutores (who ran after their opponent), procularii (who stimulated the fighters), equites and essedarii (mounted on a horse or on a cart), Theracae, Samnites, and Galli.\textsuperscript{204} Each group had a trainer (doctor, epistateús), and there is evidence for some internal hierarchy (primum palus).\textsuperscript{205} Recruitment was entrusted to equestrian procuratores familiae gladiatoriarum who operated in the provinces.\textsuperscript{206}

\textsuperscript{200} CIL VI 6226-6228.

\textsuperscript{201} S. D. Martin, The Roman Jurists and the Organisation of Private Building in the Late Republic and Early Empire (Brussels 1989) 64-65.

\textsuperscript{202} ILS 5151 (= CIL X 1733, Naples); FIRA I, no. 49, passim (= ILS 5163 = CIL II 6278, Italica/Batavia); and ILS 59340 (Sardus/Austria). According to the Lex Iulia municipalis (Tabula Heracleensis, 45 B.C.), the function carried a social stigma comparable to pimps and prostitutes; cf. FIRA I, no. 13, line 123 (p. 149).

\textsuperscript{203} ILS 5778 (= CIL VI 1649); and ILS 9002.

\textsuperscript{204} ILS 5089 and 5083a (= CIL IX 465-466). For the familia gladiatoria Cestiani, cf. ILS 5086 and 5084a (= CIL VI 631-632, Rome, Via Labicana, 177), which also includes pagani (civilians as opposed to milités).

\textsuperscript{205} IGR II 207 (Rome), where the gladiator was promoted from primus palus to the rank of insector; and ILS 5103 (= CIL VI 10175, Rome).

\textsuperscript{206} ILS 1396 (= CIL III 249 = 6753, Ancyra), where L. Didius Marinus was
Horse and chariot racing, which took place in the circus, were organized as a competition among various teams backed by a fan club (factiones). The competing charioteers (agitatores, aurigae, bigarii, cursores) belonged to one of four stables distinguished by a specific colour (pannus), i.e. the red (russati facti), the blue (veneta facti), the green (prasinus facti), and the white (albus facti). In the early Principate, each stable was owned by a private businessman of equestrian status, but by the fourth century, this function was taken over by the emperor. Within the same stable, there was an established hierarchy among runners: A. Antonius Albinus was a cursus who had a position of leader (supra cursores) among his colleagues of the green faction. Even though manumitted and free charioteers are known to have switched from one team to another, it seems that senior charioteers became more and more involved in the administration of the team to which they belonged, and by the end of the third century, the factions were usually run by a “player manager” or factionarius. After the imperial takeover, the teams were attached to an hippodrome.

One early Imperial inscription provides evidence for a vilicus of the familia quadrigaria of Titus Ateius Capito, who was presumably

successively procurator familiae gladiatorem in Gaul, Britain, Spain, Germany, and Raetia on one hand, and in Asia, Bithynia, Galatia, Cappadocia, Lycia, Pamphylia, Cilicia, Cyprus, Pontus, and Paphlagonia on the other. Cf. also ILS 1397 (= CIL X 1685, Naples) for a procurator operating from Alexandria throughout Egypt; ILS 1412 (= CIL V 8659, Concordia/Regia X) for Gallia Transpadana; ILS 9014 (Puteoli) for Aemilia Transpadana, both Pannoniae, and Dalmatia; and perhaps AE 1889, no. 394a (Taurumontium/Sicily).

ILS 5277-5316. In ILS 5295 (= CIL VI 10069) and ILS 5305 (= CIL VI 10072), the faction is called free (compare above, about theatrical companies). Cf. A. Cameron, Circus Factions: Blues and Greens at Rome and Byzantium (Oxford 1976), esp. 5-23; E. Rawson, “Chariot-racing in the Roman Republic,” PBSR 36 (1981) 1-16; J. Humphrey, Roman Circuses (Berkeley, CA 1985), who has little to say about personnel; and V. Olivé, “Chariot Racing in the Ancient World,” NIKHEPHORA 2 (1989) 85-88, esp. 78-78.

SHA, Comm. 16.9; Plin., HN 10.34; Suet., Ner. 22.3 and 5.2; and Dio 55.10.5 (recording that Augustus allowed senators to practice this kind of activity).

ILS 5797 (= CIL VI 33944).

ILS 5281 (= CIL VI 10063); ILS 5286 (= CIL VI 10049); ILS 5287 (= CIL VI 10048), starting his career in A.D. 122. Cf. A. Cameron (1976) 201-92.

ILS 5295 (= CIL VI 10058) and ILS 5297 (= CIL VI 10080, A.D. 275), both of them possibly freedmen being referred to as domini et agitatores: the former as pater et magister et socius, the latter as surnamor primus et solus factionarius ob gloria(m).

4. Conclusion

Vilici are attested as managers of various types of private, public, and imperial facilities. There were no noticeable differences between all three areas of administration. Private vilici were probably appointed by the entrepreneur who owned (dominus) or took out on contract (redemptor, mancipes, conductor) the management of the facility. Public vilici were appointed by the representatives (magistrates or curatores) of the state or of the municipality. Imperial vilici were subordinated to imperial procurators and supervised the staff (familia) assigned to the facility. The scope of their appointment could vary from the administration of a department within an institution (Greek or Latin library) to the management of a whole unit. The servants on the staff, whose composition sometimes attest a high level of division of labor, could form a blend of private, public, and imperial slaves and freedmen, and free labor.

212 ILS 5313 (= CIL VI 10046). A. Manolidi (1982) 134 considers the vilicus as a slave entrusted with the care of the horses belonging to the faction. E. Rawson, PBSR 36 (1981) 8, n. 35 thinks that the inscription has been possibly misread and refers to a partnership between T. Ateius Capito and one P. Annius Chelidionius.

213 The same inscription (ILS 5313) records conditores, racconditores, instores, medi- eti, spartores (or spartores), magistri, visores. Other functions are known: horitores (ILS 5307 = CIL VI 33949a), cullarii (ILS 5309 = CIL VI 33945).

214 ILS 5311 (= CIL VI 10077).

D. Communications

In the late Republic and during the Principate, people traveled widely for economic, political, military, or simply personal reasons. Several centuries of conquest had pushed the limits of the empire further and further, and the ensuing *pax Romana* facilitated the exploitation of the newly acquired provinces. The necessity to transmit messages and to transport persons and goods required the establishment of a complex infrastructure, which fostered economic activity in places otherwise fairly remote from the main urban centers. This infrastructure consisted in an adequate road system combined with a network of relay stations providing wagons, draft or mount animals, drivers, food, fodder, and lodging. Although the Roman state and army had a primary interest in the existence and reliability of the system, private businessmen used it as well. The first step was the construction of the road system by the Roman army, starting at the very end of the fourth century B.C.\textsuperscript{216}.

1. Roads

The traditional view is that Roman roads were built for and by the army. This is certainly true as far as mid-Republican roads are concerned, but the role of civilian entrepreneurs should not be underestimated, especially during the next phase of road work. Their main tasks consisted in extending and maintaining the existing network. Siculus Flaccus, a land surveyor thought to have been active in the second half of the first century A.D., says that public roads were built under the supervision of commissioners (*curatores viarum*)\textsuperscript{217} by private contractors (*mancipes* or *redemptores*).\textsuperscript{218} During the Republican period, state contracts were farmed out by the censors, and their execution was supervised by commissioners whose term of office was not limited to a one-year period.\textsuperscript{219}

How those private contractors carried out their obligations is not known, but one can assume that they employed their own private slaves and/or hired workers. An incidental remark by the emperor Trajan points toward the use of convicts, i.e. public slaves (*servi poenae*) on construction sites, which might indicate that municipalities sometimes carried out the work directly, under the supervision of the magistrates or commissioners.\textsuperscript{220} There is no evidence for the lower levels of the hierarchic structure, and it is not known whether commissioners or contractors were acting through agents (*silici, actores, praepositi, or institores*) to buy the necessary material, and sometimes to hire supplementary workers or draft animals. The only hint we have supporting this hypothesis is the passage of Labeo, cited by Ulpianus, where he includes among *institores* those who have been appointed to take work contracts.\textsuperscript{221}


\textsuperscript{217} Siculus Flaccus, *De condic. agror.* (C. Thulin ed.), *Corpus Agrimenso rum Romanorum I* (Leipzig 1923) 110. In a later period, commissioners were performing a *munus personale*; cf. Hermogenianus (*epit.* Dig. 50.4.1.2, and Arcadius Carusius (*sae. de man. civ.* Dig. 50.4.18.7 and 13, cf. W. Langhammer (1973) 183-84; P. Colham, Certosio, *Curatores viarum: A Study of the Superintendents of Highways in Ancient Rome* (Diss. Buffalo 1976), esp. 93-137, who reconstructs (102-04) the structure of the staff in charge of road maintenance (*familia viarum*) by comparison with the staff attached to the water supply (*familia aquarum*); J. Ech, *Die staatliche Organisation Italiens in der hohen Kaiserzeit* (Munich 1979) 25-57; and H.-C. Schneider, *Alstrassenforschung* (Darmstadt 1982) 65-68, who summarizes various opinions.

\textsuperscript{218} Tacitus, *Ann.* 331 (A.D. 21); CIL VI 8468 (Cn. Cornelius Cn. f. Sabatina) *Museus as mancipis Viae Appiaei*; and CIL VI 8469 (*Diadumenus ma[ncte] viarum

\textsuperscript{219} D.E. Strong, "The Administration of Public Building in Rome During the Late Republic and Early Empire," *BICS* 15 (1968), 97-109, esp. 98, referring to the arrangement made by the L. Metelli, who divided the *Vicus Salutii* into three sections and entrusted each of them to the responsibility of a *curator*.

\textsuperscript{220} Pliny, Ep. 10.32.2. It is possible that convicts worked for private contractors or under the supervision of soldiers, cf. F. Millar, "Condemnation to Hard Labour in the Roman Empire," *PBSR* 52 (1984) 124-47, esp. 126.

\textsuperscript{221} Ulpianus (28 ad ed.) Dig. 14.3.5.2: "Labeo quoque scripsit, si quis pecuniae faenandae, agris colendi, mercaturas remedatvisque faciendi praeposuerit, in sodumum eum temet." Labeo is otherwise known to have been influential in "framing the discussion of the parties’ liabilities" in work and labor contracts, cf. S.D. Martin, *The Roman Jurists and the Organization of Private Building in the Late Republic and Early Empire* (Brussels 1989) 21, n. 7 (with further references). A possible instance of an *institor* in the building industry is provided by Cicero, *De fin. 2.9.* 1.49.129f., where P. Lucretius, "homo de plebe Romano" and connected with D. Brutus, is in charge of maintaining the temple of Castor and Pollux; cf. Martin 132-33. The passage by Ulpianus has been interpreted differently by A. di Porto, "Impresa agricola ed attività collegate nell’economia della villa. Alcune tendenze organizzative,"
The bill was footed by the state or municipal treasuries and sometimes by local landowners, though the Res Gestae and scores of milestones found all over the empire show that the imperial fiscus was deeply involved. Users did not have to pay any toll, and the collection of customs dues at provincial borders was never intended to cover the cost of maintenance, at least directly.

2. Inns

People traveling over long distances had to stop on the way to get food and rest. Along the road, there were urban centers, villages, or isolated facilities of varying standing where services were provided. In the Republican period, these facilities were always privately run. Travelers would try to get hospitality from local people, as a favor from friends or as a service from total strangers, in farmsteads or inns (tabernae deversoriae, cauponae, deversoria, stabula, hospitalia, centenariae?).

In Plautus's Pseudolus, Harpax, an agent who came from out of town to do some business, is staying at a taberna located just outside the city-gate and kept by an old woman. There he can find food and lodging. The tradition of providing full board is attested around the middle of the second century B.C. in Cisalpine Gaul by Polybius, who reports that travelers were rarely charged more than half an as per day. Varro, following the Saseumar's approach to extended exploitation of a farmstead, suggests that when a farm is located along a road in a suitable place a tavern should be built to make an additional profit. His advice was undoubtedly followed: because of a regrettable incident involving police brutality, we know that the cultivators (vilicums and inquilini) employed on some estates belonging to the future emperor Claudius operated establishments serving hot food. Large estates could even breed draft and pack animals and saddle horses in order to provide travelers with needed replacement allowing them to continue their journey.

Wealthy landowners living in Rome and bound to visit once in a while their distant estates would keep facilities along the road (deversoria) and send notice of their forthcoming passage to their keepers. Their friends would certainly be invited to use the facilities, should they come by. The emperor who set out for a trip would find a luxurious mansion (praetorium) tended by an imperial slave or freedman and his staff, ready to welcome him. At the other end of the social spectrum, travelers would stop wherever they could find a roof. In Apuleius's Metamorphoses, the main characters decide to put up for the night at a place formerly managed by a vilicus.

Innkeepers (cauponae, stabularia, etc.) belonged to the lower classes. Some made their establishment, others acted as institores. The practice of appointing a business manager to run an inn is attested by Ulpianus, who states that "we will consider as innkeepers or managers of such establishments that . . . ."

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222 Varro, Rast. 1.2.23: "Neque ideo non in quo agro idoneae possunt esse non egressae, atque ex suis capienda frustus: ut etiam, si ager secundum viam et opportunam viatorium locum, acificandae tabernae deversoriae, quae tamen, quamvis sint fructuosae, nihil magis sunt agri culturae partes."

223 Suet. Claud. 38.2.

224 Cato, Agr. 10.1.5 and 11.1.5, listing as part of the equipment of an olive-yard and of a vineyard, teamsters and muleteers; oxen, pack asses, and draft donkeys; yokes, harnesses, and pack saddles. All this was meant for use on the farmstead, but could be sold or rented out if necessary. Cf. also Varro, Rast. 2.6.5, showing that in Apulia pack animals bred on the estate were used to transport the production (grain, oil, wine, etc.) from the farmstead to the sea. Cf. D. V. Sippel, "Some Observations on the Means and Cost of the Transport of Bulk Commodities in the Late Republic and Early Empire," Anc. 16 (1987) 35-45, esp. 37, nn. 11-12; and 39.

225 Cicero owned several of these places, one for instance at Sinussa (Fam. 12.20, 46 B.C.; and Att. 14.8.1, 44 B.C.). On some occasions he stopped at his friend M. Acemilius Philemon's near the Pompentine Marshes (Fam. 7.18.3, 53 B.C.).

226 A vilicus de fructario is attested at Ostia, cf. CIL XIV 199 (= ILS 1582).

227 Apul., Met. 8.22. The vilicus was a slave who was put to death by his master, because his sexual disloyalty had driven his concubine to commit suicide.

228 This could be the case in CIL V 5931 (= ILS 7474, Mediolanum/Regio XI), and in CIL XI 866 (Mutina/Regio VIII).
stablekeepers those who operate an inn or a stable, or their managers, but not those who perform menial tasks, such as house and kitchen servants.” Among the few institores recorded in the inscriptions, one was probably an innkeeper: Vitalis, son and slave of C. La(e?)tius Faustus and still an adolescent of 16, was the manager of the Taberna Apriana which was probably located along a road in the vicinity of Philippi/Macedonia. In his epigraph, he asks the travelers he cheated in his lifetime on behalf of his principal to forgive him and to respect his parents. The young manager must have been very vicious, since his father/principal—who probably set up the inscription—obviously felt that he had reasons to fear retaliation or boycott on the part of previous customers. In Roman law, innkeepers were liable for the safekeeping of their guests’ belongings. This provision, introduced in the praetor’s edict, translates the harsh reality of life. Inns were not safe, and guests had to guard against other guests, outsiders, and the host himself. Cicero, Valerius Maximus, Petronius, Juvenal, Apuleius, and Augustine have some frightening stories to tell about crimes committed against unfortunate travelers. Scores of known innkeepers were women, who were often regarded as prostitutes, procurresses, or witches. As we have seen, nothing prevented women from being business managers.

Inns, like other types of economic units (fundus, officina, taberna, etc.), comprised the building (or the parts of it) used for this particular purpose, fully equipped with the necessary furniture (suppellectile), such as beds (lecti), chamber pots (matellae), lamps (candelabra), etc; and the staff, including the manager (referred to as cupo(na), stabularius, hostes, hospitalis), villius, insitor, insitarius, or procurator) and the other regular employees (atriarius, institores, ministrî, pueri, sinuaria, ministræ, anciliae). Ulpius reports that (female) innkeepers who used their establishment as a brothel tried to register the prostitutes as staff members and consequently as parts of the instrumentum cauponium. The private system of temporary housing described above was supplemented during the Principate by the creation of public facilities. Since these were available only to certain categories of people, the competition of the public system never caused any disruption in the private sector.

3. Postal service (cursus publicus, vehiculatio)

To transmit news and personal messages, in an oral or written form, everybody had to rely on messengers, because audio-visual methods of communications (such as smoke, fire, or drum signals) were never highly developed. The role of messengers could be performed by

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232 Ulpius (14 ad ed.) Dig. 4.9.1.5: “Cauponas autem et stabularioris aequo eos accipierimus, qui cauponam vel stabulum exercent, institores eorum. oterum qui quippe medium fugitur, non continetur, ut puta atriarul et focarii et similares.” The phrase “institores eorum” could be a gloss, but certainly reflects a plausible situation during the Principate.

233 CIL III 14206, no. 21 (= ILS 7479 = AE 1898, no. 148): “Vitalis C. Lavi Fausti servus, idem filius, verum domo natus, hic situs est. Visist annos XVII, institor tabernas APrianas a populo acceptus idem ab dibus ereptus. Rogo vos, vitores, si qui minus dedi me(n)sura, ut patri meo adiicare(m) ignoscatis; rogò per superos et inferos, ut patrem et mater(m) commendatos (lib)aretis. Et vale.”


236 Ulpius (1 ad leg. Iul. et Pap.) Dig. 23.2.43 pr.: “Palam quaestum facere dicimus non tantum eam, quae in lupanare se prostituerit, verum etiam si qua (ut adolescit) in taberna cauponiam vel quae alia nuditio ad nos parcit,” and 8-9: “Lenam accipierimus et eam, quae alterius nomine justius creditur, in taberna cauponiam exercer eea corpora quaestuaria habebant... dicendum hanc quaeque lenae appellatione continerit.” Cf. N. Moine, “Augustin et Apulide sur la magie des femmes d’auberge,” Latomus 34 (1975) 350-61, esp. 353 with a list of women cauponae in inscriptions (for instance, CIL VI 9824 and CIL IX 2689).

237 Ulpius (28 ad ed.) Dig. 14.3.7.1.

238 Pomponius (6 ad Sub.), quoting Servius, Dig. 33.7.15 pr.: “Si ita testamento scriptum sit: ‘quae tabernarum exercedarium insti- nucerianum pistorii cauponae causa facta parataque sunt, do lego’, his verbis Servius respondit et caballos, quin in pistoris essent, et pistoris, et in cauponam insti- tore...” Cf. also Paulus (4 ad Sub.), citing Neratius, Dig. 33.7.13 pr.: “Tabernae cauponae instrumento legato etiam insti- tore...” Negat Clot de Loeu (1924) 157-158

239 Ulpius (1 ad legem Iuliam et Papiam) Dig. 23.2.43.9: “Si qua cauponam exer- cens in ea corpora quaestuaria habebant (ut muliebres adolescentes sub prauae- stium instrumentum cauponae prostitutas mulieres habebant), dicendum hanc quaeque lenae appellatione continerit.” Cf. above.

240 “Pyrotelegraphy” was invented by the Persian (Hdt. 9.3) and probably used in Classical Greece and in Ptolemaic Egypt, as some papyri mention some supports (P.Ger. 22 and SB IV 9902, both III B.C.). In a Roman context, a system of signs was used by the emperor Tiberius in order to be informed of the development of Seianus’s conspiracy (Suet., Tib. 65.2). Cf. E. Van’t Dack, “Postes et télécommunications plénoi”,” CE 37 (1962) 338-41.
merchants, travelers, servants, friends, or relatives, on a more or less occasional basis. In the third century A.D., the government used professional civil servants recruited in various groups, from the slaves to the apparitorial classes (tabellarii, cursores, equites, Namidae, commentarienses, geruli, iuvenes), or soldiers and secret service agents (speculatores, beneficiarii, frumentarii, agentes in rebus).241

a. creation of the system
Before Augustus, there was no regular postal service in Roman Italy, which is not to say that communications were not very intense. Officials, like everybody else, had to rely on their own resources to carry messages from places to places. Upper-class people, in particular the magistrates of the Roman Republic, are known to have used in some occasions the infrastructure set up by companies of publicans. Otherwise, messengers had to rely on their own connections or on privately-run relay stations (praetoria, tabernae, decensoria, or stabula) along the main military roads of the empire, between population centers.

Suetonius reports that the postal service was created by Augustus.242 The new system was perhaps inspired by the Persian system still in use in a few regions in the eastern part of the empire—Augustus or his adoptive father could have observed its efficiency in Egypt, where it had achieved a high level of sophistication under the Ptolemies. Relay stations were presumably managed by an ἄρσασσος who was in charge of keeping the registers in which were recorded the names of incoming and outgoing messengers, the time of their arrival and departure, and the number of letters they were carrying. The staff was made up of a camel driver (καμηλίτης), a policeman (φυλακτός) and a host of message carriers (δρυαλωφόροι): one document lists some forty four employees who were all paid by the royal treasury. The high number of people involved in the trans-


mission of messages can be accounted for by the particular geographical structure of Egypt, where lines of communication followed the Nile Valley in the majority of cases.243

There is no way of knowing when relay stations were first established or how they were run at the beginning. My guess is that we are dealing with a slowly developing process at the start of which public and imperial messengers requisitioned logistical support from private individuals and communities on the way on a random basis. However, things steadily changed: in Italy, for instance, the system of relay stations seems to have been fairly extensive by the end of the Julio-Claudian period. Plutarch reports that in A.D. 68 the public slaves (δημόσιοι ὀλιγένται) dispatched from the consuls could find fresh horses, food, and lodging upon presentation of a diploma at relay stations set up by the magistrates of Italian municipalities.244

In the provinces, the development is similar, and some valuable evidence even appears at an earlier date: under the reign of Tiberius, the inhabitants of the Pisidian town of Sagalassus were requested to provide transportation within a radius of 35 to 55 km from their town. The service (ministerium, λατουργία) comprised, in the words of Sextus Sordius Strabo Libuscidianus, the imperial legate of praetorian rank who issued the edict, providing transportation at a fixed rate per schoenus and free lodging: "lest all other services be exacted without payment from unwilling people."245 The service was available to senators, knights, centurions, imperial freedmen and slaves, as long as they were on official duty, but people doing private business, whatever their rank and occupation, were not eligible. The provision about free lodging is consistent with the laws on

244 AE 1976, no. 653. Cf. S. Mitchell, JR 66 (1976) 106-31, who publishes for the first time a bilingual edict dated to the early reign of Tiberius which recalls earlier regulations edicted by Augustus and confirmed by Tiberius about whom was entitled to use the postal service (vehiculatio), at what price, and within which limits. The section most relevant for our purpose starts at line 23: "... Mansionem omnibus qui crunt ex commutati nostro et militantiibus ex omnibus provinciis et principis optimi libertis et servis et iumenta eorum gratuitam praestari oportet, ita ut rei publicae aut privatae honoribus et de officiis quos statuimus et de mores et de usibus in quibus statuimus et de mores et de usibus in quibus..."
hostium introduced in the Republican period, but contains one sign of improvement compared to the previous situation: *gratisia mansio* did not imply the loss of a regular and substantial source of profits for local people and authorities, since civil servants and soldiers billeted in provincial cities had never been expected to pay for their stay; under these circumstances, hospitable communities were probably happy to get away with limited plundering and abuse as a result of the passage of official retinues. The point of providing a *mansio* free of charge was to keep traveling officials away from the population and to serve as an incentive for them to pay for transport services. There is no basis for S. Mitchell’s contention that the term *mansio* (σταύρωσις) in the Pisidian inscription cannot have the technical meaning of relay station because the extensive system of *mansiones* would not yet have been developed at such an early date.246 It can be argued, however, that this inscription provides evidence for the creation of the system in the eastern provinces. Thus, other emperors adopted a similar policy by presiding over the creation of relay stations along the main military roads in various parts of the empire: in 61, Nero ordered T. Iulius Ustus (probably for Iustus), procurator of the province of Thracia, to supervise the building of shops and residences.247 The *Taberna Apria* run by the *insitor* Vitalis near Philippi in Macedonia may have been opened around this time to fill the same purpose.248 In 137, Hadrian created a new road across the Egyptian desert from the Red Sea harbor of Berenike to the city of Antinoe in the Nile Valley. An inscription found there records that he established along the road “an abundant water supply, relay and police stations.”249

The rulers were quite aware of the financial burden that these services represented for Italian and provincial communities, and several of them, Claudius, Nerva, Hadrian, Antoninus Pius, and Septimius Severus tried to relieve them from this duty—or at least promised to do so.250 The expenses generated by such services were gradually taken over by the imperial *fiscus* and the administration of the *mansiones* farmed out to private contractors (*mancipii*). These reforms were abandoned during the disruptions that took place in the third century, and the burden fell back onto provincial communities. Therefore, it is not surprising to see the emperor Julian involved in the same effort and taking similar measures in 362/363.251

b. upper level of administration (a *vehiculum, praefecti vehiculorum*). The postal service was administered from the time of its creation by a *praefectus vehiculorum*.252 By the reign of Trajan, we have evidence for imperial freedmen (a *vehiculii*),253 who could represent a recent

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247 ILS 231 (= *CIL* III 6123 = *AE* 1912, no. 193, found near Sardica/Thracia): “...[a]berras et praef(ectus) p[i]us vias militaris[s] f(ecit) iussit p[i]us T. Iulium Ustum *pro*praef(ctor) provinciae Thraciae...” A milestone bearing the name of the same procurator was found in the same region, cf. *AE* 1916, p. 17.
248 ILS 7479 (= *CIL* III 14206, no. 21 (cf. above).
249 *IGR* II 1142: “διαφόρωναν διαδόσεις καὶ σταυρώσις καὶ φρουρίσις διακολουθεῖ...ν Ἠτέμεον.”
250 ILS 214 (= *CIL* III 7251 Tegea, A.D. 49), on which cf. M. Rostovtzeff, 251 251
252 SEHREI (527) 79 and 569-70, n. 2; *BMC [Imp.] III* 21, nos. 119-120; and *RIC* II 2296, coins bearing the legend “vehiculatone Italicum remisit”; SHA, *Had*. 7.5: “Statim (rather than us. statum) cursum fiscalem instituit, ne magistratus hoc onere gravarentur;” SHA, *Ant. Pius* 12.3: “vehicularium cursum summa diligentia sublevavit;” SHA, *Sec. 14*: “Post haec, cum se velit commendare hominibus, vehicularium munus a privatis ad fiscum traduxit.” As the same measure is known to have been enacted by the emperor Julian (cf. below), one can wonder whether the reforms attributed to Hadrian, Antoninus Pius, and Septimius Severus, at least in this particular aspect, could not have been the result of an anachronistic transposition on the part of the authors of the *Historia Augusta*. Cf. also W. Eck (1979) 94-99, esp. 97, n. 50.
253 ILS 755 (= *CIL* V 8987, Concordia/Rot. X): “...remota provincialibus cura, cursum fiscalem brevissimum mutatione spatio fieri iussit.”
254 W. Eck (1979) 90-94 convincingly argues that the position of *praefectus vehiculorum* probably already existed in the first century A.D. and was introduced by Augustus himself. Eck’s case rests on the historical development of the title *praefectus* (instead of *praetorius*), on some fragmentary inscriptions from Butdumatum/Epirus (AE 1950, no. 170, under Claudius) and from the Colonia Claudia Agrippinensis/Thracia (AE 1953, no. 485, revised by W. Eck, *Chron* III [1975] 363-92, Vesplanianic), and on the reading of ILS 1534 (= *CIL* XIII 6976, Messana/Sicily) to the reign of Nero on the basis of the identification of L. Baebius Luscinus with a member of the *consilium* of the prefect of Egypt in 63 (P. Fun. 21). This evidence sets the passage by Statius referring to Plotius Gyrus (a member of the senatorial order) in a new perspective (cf. Statius, *Sil. * 4.9.17-19: “Te Germanicos arbitrum sequent(i)? Annoeae dedit omnium late / Praefectus stationibus viarum.”). F. Bérard, “La carrière de Plotius Gyrus et le ravitaillement de l’armée impériale en campagne,” *MEFRA* 96 (1984) 253-324, esp. 277ff., and 282-306, considers that Plotius was in charge of the army supply in 92 on the basis of an exceptional appointment, which included the supervision of all imperial roads and relay stations on the way from Rome to the Danube during Domitian’s Sarmatian campaign. Cf. also AE 1955, no. 225 (Cyrrhus/Syria, before 165, PP bis praef. urb.).
255 *CIL* VI 5842 (M. Ulpius Crescens, *ab vehiculis*, and his son M. Ulpius Saturninus, *ab commentariis ab vehiculis*) and CIL VI 8543 (T. Flavius Saturninus, *tabularius a vehiculis*). At Ephesus, we find an imperial freedman who started his career as *adulator procuratorum ab ornamentis*, then became *praefectus vehiculorum*, before being entrusted with procuratorial positions in various provinces (I. *in Ephes. III* [18] 835 and 855a). The latter two could even be *pro-Trajanic*. Cf. W. Eck (1979) 109-10.
addition to the system perhaps connected with a reform of the *cursus publicus* recorded by Aurelius Victor. In the second century, equestrian prefects were of centenarian or ducentarian rank. It seems that there were two kinds of prefects, a single individual at the head of the central administration, and several officials assigned to a set of roads in a specific area. This is illustrated by an inscription dedicated to the emperor Caracalla in 214 by the *mancipes et suntorces iumentarii viarum Appiae Traianiæ item Anniae cum ramulis* who were reportedly subordinated to three *praefecti vehiculorum*. H.-G. Pflaum thought that prefects of both categories were operating from the city of Rome. If this hypothesis is correct, one can wonder how they managed to carry out the task for which they were appointed, namely the supervision of the *mancipes*, who ran the service at the local level on a contractual basis (five-year leases), and, presumably, *praepositi* (cf. below). The job of the *praefecti vehiculorum* required a minimum amount of traveling, even though one cannot rule out that they relied heavily on their subordinates.

c. management of relay stations (*mancipes, praepositi*)

The evidence for the management of the *mansiones* and *mutationes* is late and fragmentary. Our main source is the Theodosian Code which includes several imperial constitutions issued in the second half of the fourth century. This is admittedly beyond the time limit chosen for this study, but there is something to be gained from examining the later evidence in order to understand how the system may have worked in an earlier period.

The terminology used to refer to the facilities and to their managers is admittedly loose. In an imperial constitution regulating the use of the postal service, the emperors Valens, Gratian, and Valentinian were unable to come up with a set of terms designating without ambiguity all types of managers of relay stations. *Mancipes* and *praepositi* are both attested otherwise and require some discussion.

*Mancipes*, who are not attested before the third century A.D., but who could have been active long before, probably negotiated their contract with the *praefecti vehiculorum*. They were each assigned to a relay station for a period of time, often limited to five years. They were recruited among those provincials who qualified for service in the governor’s staff, as personal accountants (i.e., or, if necessary, among local councillors (*decuriones*). Their job (mnumus) consisted in personally engaging in the supervision of their staff at work, limiting the number of post-horses allowed to leave the station, inspecting the post warrants (*diploma*), and requisitioning wagons and fodder for the animals. They were not allowed to absent themselves from their relay station for more than a certain number of days each month, but the mere existence of this rule may suggest that the *mancipes* had a tendency to make only occasional appearances, while delegating the day-to-day operation to subordinates.

The *praepositi* are even harder to grasp, because the evidence is more elusive. A constitution of the emperor Constantine addressed to the Praetorian Prefect Felix and dated to 335 recalls a complaint made by the *decuriones* of Africa concerning the fact that people of high standing—who, they say, had been *flamines*, civil priests, or magistrates—were forced to become *praepositi* of the public post stations, “a duty which, in each municipal council, men of a lower

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255 *ILS* 1358 (= *CIL* X 7580, Carales/Sardinia). In the third century, they were sometimes of xagenarian rank (*ILS* 1433 = *CIL* VI 1624 = *CIL* XIV 170, Ostia), 247 or 248).
256 *ILS* 452 (= *CIL* VI 31338a). Cf. W. Ecke (1979) 100-08.
258 For the staff assisting the *praefecti vehiculorum*, cf. W. Ecke (1979) 108-10, listing an *advocatus fisci et vehiculata per Flaminium et per Transpadum et partem Norici* (*ILS* 9018 = *CIL* VII 26582, Thugga/Africa Proconsularis, under Gallienus), and the imperial freedmen mentioned above (*subarius et vehiculatus* in *CIL* VI 8543, Vespianus, and his son a *commentarius vehiculatus* in *CIL* VII 8542, Trajanic, and the *acceptor vehiculorum* from Ephesus in *I. v. Ephesus III* [= *IK* XIII 855 and 855a].
259 *Cod. Theod.* 8.5.

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260 *Cod. Theod.* 8.5.35 (378): “...[ei] qui praepositi vocantur aut mancipes, publico demine cursui nominis aliquo praevent.”
261 *Cod. Theod.* 8.5.23.1 (365); and 8.5.36 (381). For the classical period, cf. W. Hoff (1979) 107-08.
262 *Cod. Theod.* 8.5.33 pr. (365); 26 (365); 34 (377); and 51 (392).
263 *Cod. Theod.* 8.5.35 (378); and 8.5.23.3 (365).
264 *Cod. Theod.* 8.5.36 (381).
grade and rank customarily perform. The fact that we are dealing with a text dating from one or two generations earlier than the evidence relative to the mancipes might be significant.

Like mancipes, praepositi are said to perform a compulsory service (munus); this might be a peculiarity of the fourth century, and it is quite likely than an earlier period mancipes and praepositi were paid or were offered some other kind of incentive to do their job. It is not clear when the position became a liturgy, but the change probably did not occur before the Severan reform. In the fourth century, praepositi belonged to the class of city councillors (decuriones), but they seem to have always ranked below mancipes on the social ladder. O. Seeck rightly points out that if there was a difference of functions between mancipes and praepositi, the evidence does not permit establishing whether it was connected to the type of facilities respectively entrusted to them, because both managers are attested at the head of both mancipes and praepositi. One can surmise that the difference between mancipes and praepositi was more significant in an earlier period (first or second century A.D.), when the management of private and public economic or administrative units was either farmed out to tenants or contractors or entrusted to the care of business managers. By the fourth century, both positions had become compulsory, but remaining signs of social distinctions may imply different types of liability. Thus, praepositi may have been agents of the emperor (appointed by the official in charge of supervising the road system) or of the local municipal government. There is no evidence that praepositi could be appointed by mancipes, but one cannot exclude that the model attested in agriculture and tax collection, whereby a lessee (conductor) would appoint an agent (eius), was also applied in the context of relay stations.

The staff assisting either a mancipes or a praepositus was called a familia. It was composed of muleteers (muliones), cartwrights (carpentarii), and veterinarians (mulomedici) who received a subsistence allowance and clothing, but no salary, because they were public slaves. Other sources mention grooms (hippocomi and sanctores).

265 Cod. Theod. 12.1.21.
266 O. Seeck, PW 4.2 (1900) s.v. curius publicus, cols. 1846-63, esp. 1857.
267 Cod. Theod. 8.5.21 (364).
268 Cod. Theod. 8.5.31 (370); and 8.5.58 (398).
269 They were skilled workers likely to be induced into working for wealthy landowners in times of manpower shortage. Some emperors took steps to curb this practice by imposing a fine on the solicitors and by returning the slaves to their relay station “with their wives, children, and all their peculium.” This rescript illustrates the relative independence of the members of the staff and how their importance was recognized—in this case, at least—by the grant of family life and property rights.

271 d. various types of facilities (stationes, mansiones, mutatioes)
Relay stations were not all the same: some were probably very modest, and comprised nothing more than a stable, a workshop, and living quarters for the staff. These were called mutatioes. Others would be more sophisticated, and were meant to accommodate travelers for the night. Those were called mansiones. The use of these facilities was restricted to the bearers of a diploma. Thus, an imperial tabellarius could claim in his verse epitaph that he, a pedestrain, had carried his diploma through the whole region.

272 It would make sense that along a certain road all stations were approximately of the same size, with a similar number of horses and carts to be determined by the density of the traffic and reduced to a minimum in order to keep the cost of exploitation as low as possible. As supply was limited, regulation was needed to determine the number of animals or wagons that could be requisitioned by any one official, and such regulations are preserved from the age of Tiberius to the fourth century. Mutationes were presumably more numer-
ous than *mansio*es, because any traveler would need from five to eight *mutationes* each day, but only one *mansio* where he would spend the night. The distribution of *mutationes* and *mansio*es was affected by the geographical environment, since, in mountainous areas, some places were unsuitable for overnight stays. The distribution of *mansiones* and *mutationes* on various roads are recorded for different periods in third- or fourth-century *Itineraries* (*Itinerarium Antoniniunm*, *I. Burdigalense*, *I. Hierosolamitum*, and the Peutinger Table). One should point out, however, that *mansio*es, which presumably were more important than *mutationes*, are more likely to have left some traces, such as a place-name, a mention in one of the ancient *Itineraries* or in the literary sources, some archaeological remains, or an inscription. A recent survey of Northern Italy records a total of seventy-seven *mansio*es in Regiones VIII-XI, versus thirty-two *mutationes* and twenty *stations*.274

...e. takeover by the military

In the course of time, two phenomena affected the management of the relay stations of the *cursus publicus*. First, the lack of security in the countryside induced the emperors to post soldiers along the military roads to police them. Thus, Hadrian combined *stato*es and *φρούρια* along the new Via Hadriana in Egypt.273 The practice became widespread in the second and third centuries. These detachments were attached to a *stato*, hence their name of *stationarii*.276 The second phenomenon, which is in fact an extension of the first one, consists in the creation of the *annona militaris* under Septimius Severus and the increasing importance of taxes collected in kind, the consequence of which was reflected by the need to create a new network of collection and distribution centers. As the soldiers became more and more involved in the organization of the corn supply, the

*stations* intended as collection centers soon coincided with the relay and police stations.277

A few inscriptions, mainly from the eastern part of the empire, illustrate this development. At Gebze in Bithynia, along the road connecting Nicomedia with Thracian Chalcedon, two soldiers of the sixth equestrian cohort were in charge of the *stationes* (note the plural) and kept registers and accounts, while muleteers took care of the transport service. As the inscription, which is dated to the third century, is dedicated to a commissioner of Caesar's draft animals, it was at first thought to refer to the administration of an imperial breeding stud. But since the place is known to have harbored a relay station for centuries afterward, it is possible that there was already one at the time of the inscription.278

The second example belongs to Thracia and can be dated to the year 202.279 The emperors created a new market-place (ἡπαίρειον) at Pizos by transferring part of the population of neighboring villages to the new settlement and offering them various privileges. The reason behind this measure is obscure, but the beginning of the decree issued by the procuratorial governor of the province refers to the contentment of the emperors concerning the provisioning of the relay stations (ὥσπερ τῶν σταθμῶν ἡπαίρειον) (*Philoxenou*): the foundation of a market, comparable to the establishment of local fairs in the early Middle Ages, was perhaps thought to contribute to maintaining the relay station by fostering local economic prosperity. The settlers—the inscription records 174 names of people coming from nine villages—were offered an exemption from contribution to the corn supply, and from compulsory public services, especially as guards, policemen, and managers of the public postal service, which

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274 R. Chevallier, *La renommation de la Celtique du Pé* (Paris/Rome 1983) 527-52 (with a detailed analysis of the basis on which he assigns these facilities to each of the three categories), with, respectively, 9 *mansio*es, 4 *mutationes*, and 5 *stations* in Regio VIII; 13, 0, 6 in Regio IX; 33, 9, 4 in Regio X; and 22, 19, 5 in Regio XI. Other regional surveys are available; cf., for instance, S. Croguez, “Les stations du *cursus publicus* en Calabre: un état de la recherche,” *MEFRA* 102 (1990) 389-431.
275 *IGRR* II 1142 (cf. above).
278 *AE* 1923, no. 44 (— *IGRR* III 2). L. Robert, *Helena* (Paris 1935) 46-62 provides a new reading: οἱ ἐπὶ τῶν σταθμῶν τῶν ἄλλων καὶ ναυαγών καὶ οἱ [μαθηματίες] οἱ ἐκτόσεως συνωρίζοντες. The person to whom the inscription is dedicated was an *επιμελητὴς κτήσεως Κάσιανος*.
that the gathering of manpower for the management of the relay station was not the principal motivation behind the imperial enactment. The new ἐπιτάγματα was to be ruled partly by civilian officials chosen among the leaders of the villages (nive ὕπατοι βουλευταί) and partly by the military (ἐπιστάμενοι στρατιώται), who would take over the management of the guest-residences (πρωτομίη) and of the baths (βαλανεῖα) from the current commissioners (ἐπιμεληταί), suggesting that the construction of these buildings antedates the foundation of the ἐπιτάγματα.

The inscription from Pizos provides the best illustration of a phenomenon which must have been very common, though not universal, at this period, at least in the eastern part of the empire, whereby private and imperial administration was superseded by the military. It is not surprising to find soldiers and civilians involved in joint ventures: in Moguntiacum/Upper Germany, a beneficiarius consularis set up an inscription with a vicius whose function is not specified, but who was probably attached to a relay station or to a center for the collection of taxes. A fourth-century imperial constitution acknowledges the continuing coexistence of both systems of management by inflicting separate penalties upon managers of the public post found guilty of not respecting the regulation relative to the number of post-horses that could be dispatched every day from any relay station: soldiers would be demoted from their rank and civilians sent to temporary exile.

The militarization of the postal service was increased by the involvement of secret service agents as inspectors and imperial couriers. An inscription from Thermae Selinuntinae (Sicily) dated to the 340's records the construction of a statio by a pr(ae)po(situs) cursus publici acting on behalf of two governors (consulares) of the province of Sicily. The praepositus was an agent in rebus of the highest (ducenarian) rank. In the early fifth century, the praepositus who belonged to the category of confidential agents (curiosi) were liable to the ancient discipline applying to imperial servants.

The takeover by the military did not bring drastic changes to the management of the postal service, as far as the daily routine was concerned. Problems remained the same. Coming from the top of the hierarchic structure, orders were directed indifferently to soldiers and civilians. What mattered was the efficiency of the system. Those most likely to notice the difference were the people who would stop or start being called upon as managers, whether it meant relief from heavy financial burden or denied access to a desirable position of power. The difference would be all the more noticeable depending on how the system was subsidized.

4. Conclusion

The establishment of a sophisticated network of roads, inns, relay stations, and vehicles is the result of the joint effort of private entrepreneurs, public officials, imperial servants, and the army. The maintenance and running of the facilities were carried out by representatives of these four categories, although a shift toward compulsory public service and takeover by the military is noticeable by the second and third centuries A.D. A complete standardization of the administration was never achieved nor sought, but fourth-century sources show that the various types of relay stations (stationes, mansiones, and mutationes) were usually run by mancipes or praepositii, a combination which seems to represent the dichotomy tenancy-agency analyzed in the context of the management of agricultural estates (cf. Chapter Three). The strong interest of the military in the organization of the food supply (annona militaris), combined with a general tendency toward militarization of the imperial administration in the third century and later, accounts for the presence of soldiers at the head of some of these facilities.

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E. Coinage

1. Historical outline

The Romans started issuing their own silver coinage in the last decade of the fourth century B.C. at the earliest. During the third century, the Roman coinage was made of struck gold (staters) and silver (didrachms), and cast bronze (asses) denominations, very similar to the Greek monetary system existing in Southern Italy and Sicily at the same period. In 211 B.C., a new system was introduced. It was based on a sextantal standard and its central element was the silver denarius of ten asses. Around 140 B.C., the denarius was retarifled at sixteen asses, and the sestertius of four asses became the official unit of reckoning. During the next three and a half centuries, Roman coinage went through various vicissitudes, none of which is likely to have drastically affected the basic monetary concepts adopted in the early period. This summary outline should suffice to show that by the beginning of our period (ca. 200 B.C.) the Roman mint was already a respectable institution, firmly rooted in Roman public life. The minting of coins was a state monopoly based on statutes enacted by a popular assembly. The physical process of striking, carried out under the authority of magistrates and the overall control of the senate, was entrusted to an economic or administrative unit, the mint, the management and internal organization of which constitute the focus of this section.

2. General administration of the mint

Before dealing with the mint proper and its staff, it is necessary to concentrate on the authorities commissioning its operation. In contrast with the technical aspect of minting, our sources are likely to provide some evidence about some drastic changes at the command level entailed by the evolution and transformation of Roman political institutions during the Republic and the Principate.

289 A.M. Burnett, “The Authority to Coin in the Late Republic and Early Empire,” NC 137 (1977) 37-63, esp. 37-44, convincingly argues that the moneys were appointed by the consuls—they were often relatives of the consuls in charge—and that they should be regarded as the consuls’ agents, acting within the limits of the consuls’ imperium. Cf. also H.B. Mattingly, AIN 29 (1982) 9-16.
290 Pomponius (ing. enchiridii) Dig. 1.2.2.30: “Constituti sunt sedem tempore et quamquam auctoritas, et triumvirii monetales aecessit argenti aurei flatorum, et triumvirii capitales qui carceris custodiam habentem, ut cum animadverteret operari et interventur corum feret.”
291 ILS IV, indices p. 412. Cf. J.R. Jones, “Mint Magistrates in the Early Roman Empire,” BICS 17 (1970) 70-78, with a complete prosopography. Jones points out that the abbreviation III viri is rendered as tresviri in the Republican period and as triumviri during the Empire.
cure or a test of loyalty: a successful (i.e. problem-free) tenure of office was a first step towards the consulship.292

During the Republican and Augustan periods, the tresviri monetales were not the only magistrates entitled to sign coins. The prerogative was sometimes claimed by other Roman magistrates (such as the praetors, quaestors, or aediles), by municipal magistrates (duoviri), or by proconsular governors and military commanders in the field.293 In some cases, these magistrates, especially those with imperium, were substituting for the authority behind the moneyers and were in charge of ad hoc mints. Thus, some coins struck in Spain bear the legend PERMISSV AVGVSTI; others, produced at Gergis, display the legend PERM L VOLVSII PROCOS; finally, the Iovi coloniae deducendor, who founded the colony of Narbo in Southern Gaul, signed an issue struck by five moneyers.294

b. Julius Caesar’s praepositi

The moneyers were eclipsed during the Principate by the appearance and rise of other officials picked among the members of the imperial household (slaves and freemen) or belonging to the growing equestrian bureaucracy. The trend started at the end of the Republican period, when Julius Caesar engaged in an act of blatant arrogance—described as no less than dominatio, licentia, and arrogantia—by appointing his own slaves at the head of the mint and of the fiscal administration.295 The nature of the functions of these slaves praepositi is unclear, but it would be surprising if they were mere technicians or mint workers. It would certainly be more sensible to picture them supervising the workshop(s) or even in charge of the whole organization of the minting process.296

Suetonius, who reports the story, was obviously shocked by the intrusion of slaves in an area which was until then regarded as the preserve of the senatorial aristocracy. Caesar may have signaled his readiness to work with whoever appeared loyal to him, regardless of the social background of the appointee. Besides, the rupture with the past was not so drastic as it sounded, since the practice of personal appointment by the highest magistrate(s) of the state was long established (cf. above). In their capacity of private agents of the dictator, the servi peculii praepositi represented the first instance of the gradual replacement of Republican magistrates by personal appointees of the ruler. And in fact, this trend is emphasized by Suetonius, who reports other rumors pertaining to the same phenomenon: Caesar had allegedly planned to move his capital to Alexandria or Troy, to entrust the management (procuratio) of the city of Rome to his friends, and to live off the diverted resources of the empire while pressuring Italy with his levies.297 By appointing dependents and friends as praepositi and procuratores, Caesar acted as the quintessential tyrant treating the Roman state as his private property. The move conveyed an unambiguous political message to his opponents by showing that the empire could survive without the cooperation of a distrusted political class. In this particular instance, agency proved to be an efficient alternative to Republican institutions.

c. equestrian procuratores

By the time of Trajan, a new official is attested in inscriptions: the procurator monetae, of equestrian rank.298 He was probably a general

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292 J.M. Jones, *A Dictionary of Ancient Roman Coins* (London 1990) 187-90, s.v. mint magistrates. A.M. Burnett, *NC* 137 (1977) 54 suggests that the imperial moneyers were attached to one side of a dual minting system in which the bronze coinage would have been under the control of the senate and carried out by the moneyers, while the precious metal coinage would have been under the control of the emperor and his aides.

293 M.H. Crawford, *RRC* II (1974) 598-604, who points out that some of these issues might have been illegal.


295 Suet., *Iul.* 79.3: “Quin etiam variis famis percusserat migratum Alexandrum vel Ilium, translatis simul opibus imperii exhausta Italia dicitibus et procuratione urbis amicis permissa.”

296 M. Peachin, “The procurator monetae,” *NC* 146 (1986) 94-106 lists thirteen entries from the early second to the mid-third century, and five more in the next century (until 371-2). This list rightly does not include (101, n. 37) C. Julius Quadratus, who was engaged in a senatorial career and attested as auctoritas monetae (or [. . .] collegii [. . .] omnipotentis [. . .] Caesaris [. . .] et auxilia monetae [. . .] munificis [. . .]”).

297 Suet., *Iul.* 76.3: “Praeterea monetae publice mosteque vectigalibus peculii praepositi.”

298 C.H.V. Sutherland, “Monetae peculii praepositi: Julius Caesar and the Mint of Rome,” *NC* 145 (1985) 243-45 dates the event referred to in this passage to the mid-40’s B.C. and rightly considers that “their (≠ the appointed slaves’) task can only have been to implement policy for the mint; and questions of policy would necessarily include the quantity and quality of coinage to be struck, its apportionment between the coinage-metals, and the types it bore;” and idem, *Roman History and Coinage, 44 B.C. – A.D. 69* (Oxford 1987) 1-3.
The lack of evidence concerning mint administrators in Rome in the early first century, apart from the *triunviiri monetales*, is also due to the fact that there was no mint in Rome issuing gold and silver coinage from the 20's B.C. to the 50's A.D. During this period, the mint producing gold and silver coinage had been transferred to Lugdunum, and there is some evidence that imperial slaves were attached to the mint there.

**d. conclusion**

During the Republic and the Principate, the administration of the Roman mint, and possibly of other mints as well, was entrusted to agents. Mint managers were at first junior magistrates, later members of the imperial household, and finally equestrian officials. Decisions concerning types, quantity, quality (purity), and denominations were usually made, or at least inspired, by the holder of the *cura monetae*, i.e. the magistrate (*consul* or *praetor*), who appointed the mint manager, the senator, the emperor, or his finance minister (*a rationibus*). Departure from this principle could have dreadful consequences: meddling with coin types was a crime of high treason (*maiestas*), and tampering with the purity or weight was a crime akin to counterfeiting.


300 A.M. Burnett, *NC* 137 (1977) 61-62, and especially n. 143 (where he argues against the traditionally accepted date under Caligula for the return of the precious-metal mint to Rome). This move is linked to the decision of Augustus to renounce the consulship, and his concern to retain control of the gold and silver coinage through his *imperium proconsulare* (ibid., 57-60). Some temporary issues in precious metal are attested in Rome from 19 to 12 B.C., cf. C.H.V. Sutherland, *AJP* 80 (1947) 55; and J.D. Mac Isaac, *The Location of the Republican Mint of Rome and the Topography of the Arch of the Capitoline* (Diss. J. Hopkins Univ. 1987).

304 Strabo, 4.3.2 (192), mentions such a mint at Lugdunum: κατά τῷ ἐμπορίῳ τοῦ Χρήστου, καὶ τῷ νομίσματι χαρακτημένῳ ἐντάξει τῷ Εὔρωποι καὶ χρυσοῦν τοῖς κυριακοῖς. The title is not clear, however; he meant an imperial or provincial mint, which, in the case of Augustus, did not matter since he had been granted an *imperium proconsulare* over the Gallic and Spanish provinces in 27 B.C. The existence of a servile staff is proved by *ILS* 1639 (= *CIL* XIII 1820, under Tiberius): "*Nobilis Tic. / Caesaris Aug. / servus servorum / monetae / hic adquiescitis / et Perpetua filia d.s.d.*" Cf. A.M. Burnett, *NC* 137 (1977) 56 and 59. The mint at Lugdunum was protected by a unit of the urban cohort *ad monetam* attested in an inscription dated to the reign of Claudius (*ILS* 2130 = *CIL* XIII 1499).

While mint managers were expected to implement the political and economic policy defined by higher authorities, they still had important managerial decisions to make with regard to staff organization, technical aspects of production, bookkeeping, and subcontracting. The administrative structure of mints was in many ways similar to the hierarchic structure identified in the context of the olicus system in agriculture, tax collection, etc., with a multilevel chain of command. It is not the place here to discuss the relationship between the general administrators of the mint and those holding the authority to strike coinage, but some attention should be paid to the lower level, i.e., the internal organization of the mint.

3. Internal organization of the mint

The technical and administrative staff of the Roman mint is known through some eighteen Latin inscriptions of Imperial dates, but since most of the positions mentioned in these documents are not attested otherwise, we have to rely on a linguistic analysis of the terminology used in these documents in order to determine what these positions represented.

a. officinatres

The staff was composed in part of officinatres or mint workers with no specification. One of the Trajanic inscriptions found on the Caelian Hill, where the Roman imperial mint was presumably located, lists sixteen officinatres of libertine status, and nine other employees of servile status in a dedication to Fortuna. These officinatres were attached to the imperial mint producing gold and silver coinage, and the exact nature of their functions is not clear. The term officinator might be a generic term including everybody working in a workshop (officina), from foremen and skilled workers down to mere handworkers (mediasitini), but a comparison with the evidence pertaining to other industries (for instance, brick- and tilemaking) and other relevant documents concerning mint personnel indicates that it was not the case. Officinatres may have performed a managerial function, for instance as supervisors of individual officinae.

The same inscription indicates that the officinatres were possibly subordinated to an optio et exactor aurii argentii aeriis named Felix, and to a mere optio named Labanus, both of libertine status. The wording of the text of the inscription suggests that both were included among the officinatres. The rank of optio has a military flavor, but, since the term is already used to designate a civilian function ("assistant") by Plautus (Asin. 101), it is not clear which sector borrow it from the other (civilian from military, or vice versa). It is probable that Felix ranked higher than Labanus. The former combined the rank of optio with the position of exactor, which suggests that he was the official in charge of collecting precious metals in bullion form from a different department (fiscus or aerarium?) and of handing them over to mint workers to strike coins. One could wonder why a foreman attached to the mint producing gold and silver coinage should have been entrusted with the collection of bronze, but A.M. Burnett rightly points out that the purity of the silver coinage called for an input of ca. 20 percent of bronze. In addition, the hierarchic superiority of Felix over Labanus is emphasized by the fact that the same Felix appears in two other dedications, once alone and once with another group of mint workers.

306 G.H.V. Sutherland, AJP 68 (1947) 47-63; and A.M. Burnett, NC 137 (1977) 37-63.
308 ILS 1634 (= CIL VI 43, 28 Jan. 115).
309 "officinatres monetae / aurariae argentariae / Caesaris n(ostrī)." A.M. Burnett, NC 137 (1977) 53 uses this inscription as evidence for a separate mint for gold and silver coinage. G. Boudier (1970) rightly assumes that these officinatres were members of the imperial household.
311 R.A.G. Carson (1956) 234, against M.R. Alföldi, SNR 39 (1958-59) 42, n. 33. J. Lafaurie, BSNF 27 (1972) 269 considers that officinatres belonged to the clerical staff and may have included some specialists, such as accountants and engravers.
312 G.H.V. Sutherland, AJP 68 (1947) 48-49; M. Peachin, NC 146 (1986) 105, n. 65.
313 Cf. also AE 1927, no. 87 (Greek inscription from Perinthis, Thracia, III/IV).
314 A.M. Burnett, NC 137 (1977) 54 considers that this inscription, which he wrongly dates to the reign of Hadrian on the basis of a misprint in ILS I, p. 344 (read, n. 2 to nos. 1634-1635, 115 instead of 119), "does not, however, prove a single system of administration for all three coin metals."
315 CIL VI 42 and 44 (to Apollo and Hercules, respectively).
b. technical staff

The second inscription\(^ {316} \) was dedicated by Felix on the same day (28 Jan. 115) in cooperation with the signatores, suppostores, and malliatores. This second group of mint workers was composed of thirty freedmen and thirty slaves, plus three other people of uncertain status. It is remarkable that, even though all names in both lists\(^ {317} \) are very common, there are very few overlaps (Primigenius among the freedmen, and Zosimus and Helius among the slaves), which unambiguously indicates that the two groups are distinct from one another. The conclusion to be drawn from this fact is that the term officinatores, found in CIL VI 43, did not include the skilled workers listed in CIL VI 44, whose functions will be analyzed below.

The arrangement of the list, in four columns (I-IV) underneat category labels, might reflect the composition of the second group. In Column I (signatores) are listed seventeen workers, namely twelve freedmen and five slaves. In Column II (suppostores) are listed eleven workers, namely seven freedmen and four slaves. In Column III (malliatores) are listed eighteen workers, namely eleven freedmen and seven slaves.\(^ {318} \) Column IV is usually understood as an extension of Column III and therefore lists additional malliatores, fourteen slaves and three other persons of uncertain status who might form a separate category.\(^ {319} \) One of these three workers (Asclepius) was certainly a slave of Felix. G. Boulvert thinks that they were freeborn (ingenui), but their names (Sallustius Hermes / Mevius Cerdo / Asclepius Felicis) suggest that the first two were freedmen who did not belong to the imperial household (Hermes and Cerdo are cognomina with a definite servile flavor, and Sallustius and Mevius are gentilicia well attested in the second century A.D.). They had been set apart probably because of their status of outsiders (mercenarii?), and Boulvert correctly suggests that they were hired, probably by the

manager, to perform particularly exhausting jobs. Thus, we end up with seventeen signatores, eleven suppostores, and thirty-two (thirty-five) malliatores, with a rough ratio of 2:1:3. Another solution would be to read the four columns separately, with respectively seventeen signatores, eleven suppostores, eighteen malliatores, and fourteen (or seventeen) additional workers (medalisti?) whose status (slaves or hired workers) implies the performance of menial jobs. The ratio then becomes approximately 3:2:3:3. Since one cannot exclude the possibility that a typical workday at the mint was divided into shifts of uneven lengths between categories of workers, it is unclear whether these figures and ratios are significant, and whether they carry some information about the organization of the work.

A short description of the respective functions provides a better understanding of the organizational structure of workshops. The task of malliatores seems to be self-evident. They were the workers wielding the hammer (malleus) and striking ready-made cast flans with a reverse die. If all malliatores from Column III were working simultaneously, there would have been eighteen anvils side by side in the mint. If one counts the workers in Column IV among the malliatores, the number of anvils goes up to thirty-two (or thirty-five). It is possible, however, that given the exhausting nature of the work the workers operated through rotation, with two or three malliatores per anvil.\(^ {320} \) The number of anvils would then be somewhere between eleven and seventeen, which corresponds to the respective numbers of suppostores and signatores in the inscription.

Suppostores were probably in charge of laying and holding by means of tongs, the hot flans on the anvil where the obverse die was fixed and probably to take the new coins off the anvil after they had been struck.\(^ {321} \) It has been suggested, on the basis of telling "mistakes," that several coins could be struck simultaneously.\(^ {322} \) The

\(^{316} \) ILS 1635 = (CIL VI 44).

\(^{317} \) ILS 1634 and 1635 (= CIL VI 43 and 44).

\(^{318} \) It seems that Column III could be either considered independently from Columns II and IV, or linked with Column IV. The second solution has been more popular on the basis of the succession of freedmen and slaves. Cf. M. R. Alfoldi, SNR 39 (1958-1959) 36-38; and J. Lafaurie, BSRF 27 (1972) 269. As the photograph shows, it is unlikely that Columns II and III should be grouped together, because each of the first three columns is carefully aligned just below the respective titles designating the categories of workers, cf. J.S. and A.E. Gordon, Album of Dated Latin Inscriptions II (Berkley/L.A. 1964) 38-40, Pl. 77b.

\(^{319} \) G. Boulvert (1970) 265 and 266, n. 22.

\(^{320} \) T.F. Carney, "The Working of the Roman Mint," New Zealand Numismatic Journal 10.5 (Dec. 1961) 154-58, esp. 156-57 states that the actual process of striking implies an upper die struck by two malliatores, an operation which would account for the high relief of coins especially in the mid-first century A.D.

\(^{321} \) I do not follow G. Boulvert (1970) 265 who thinks that suppostores were in charge of melting the metal and preparing the flans, which I believe to be the function of the fistulatori (cf. below). Lafaurie, BSRF 27 (1972) 270 suggests that the suppostores were in charge of weighing the coins.

\(^{322} \) M. Crawford, RRC II (1974) 582. An interesting case, dating to the early period of Roman coinage (286-268 B.C.), is provided by a group of coins (a) still attached together by melted metal, cf. F. Panvin Rosati, La moneta di Roma re-
necessity to adjust a line of reverse dies above flans lying upon obverse dies would have required the cooperation of two suppostores for each strike, but there is no evidence supporting such a ratio (2:1 of suppostores to malliatores), unless one speculates that the workers in Column IV were assigned as assistants to official suppostores. Thus, the personnel listed in Columns II and IV would make up to fourteen pairs of suppostores.

The role of the signatores is more problematic. The Oxford Latin Dictionary suggests that they were responsible for stamping bars of assayed metals. They might also have had something to do with the addition of control marks, letters, numerals, or symbols on the dies. M. Crawford points out that the marks on the Republican coinage of L. Sulla and L. Manlius Torquatus were scratched on the dies "as a sort of last-minute extra" or that they were placed elsewhere than on the dies. Thus, the signatores would have been instrumental in providing each issue with proper identification related to the mint authority and to administrative subdivisions. The addition of a "signature," in the form of (abbreviated) names and various types of marks, constituted an intermediary stage between the process of die engraving by scalpitores and the actual striking of the coins.

The scalpitores, or die engravers, formed their own unit, which was headed by a praepositus assisted by a deputy (aditus). During the

Republican period, at least, it seems that homogeneity of style was not required, and that the die engravers attached to the mint were divided into two main schools and might have supplied different workshops (officinae, cf. below).

The preparation of the flan was entrusted to flaturarii, and it seems that this task was sometimes farmed out to contractors: an inscription, dated to A.D. 115, lists five imperial freedmen as conduc(ores) flaturae argen[tar][iae] monetae Caes[arisi]. The melting process was not necessarily always strictly divided by metal, since around the same period, one M. Ulpius Symphoros, a freedman of the emperor Trajan, advertised himself as flaturarius auri et argentii moneta[re]. Nothing indicates that M. Ulpius Symphoros was acting as a contractor rather than as the emperor's agent. As for other public services, the performance of specific tasks could be either under direct management or farmed out to contractors, and both systems of management may have been applied successively to any specific operation.

The case of the flaturarii demonstrates that imperial servants were not barred from bidding for public contracts. This is confirmed by the case of Hermes, an imperial freedman attested as [man][e]ps (a)erar[iae] mo[n]etae, which means that he had contracted—perhaps on behalf of a company or partnership—for the management of some (or all) operations pertaining to the production of bronze coinage. When it was the case, it is not clear who had the competence to let the contract out. Likely candidates are the imperial procurator monetae for gold and silver coinage, and the triumvir monetae for bronze coinage. In a later period (third century), the equestrian P. Calvisius Sp. f. Iustus had contracted for the management of five workshops (officinae) producing bronze coinage and for the casting of silver.
The technical staff of the imperial mint also included one or several *aequatores*, who were probably responsible for checking the homogeneity of the coins, in terms of their physical appearance. It cannot be excluded that *aequatores* were also—or rather—in charge of testing the weight, purity, and shape of the flans before coinage. It has been suggested that the term might refer to a totally different function, i.e. the balancing of accounts, which should have been treated then in the next section (clerical staff). In conclusion, one should mention that the various technical operations described above are represented on a wall painting from Pompeii (House of the Vettii), which shows, from right to left, Cepidus melting, casting, and weighing flans before striking under the supervision of Juno Moneta.

**c. clerical staff**

After the coins had been physically produced, they had to be tested, stored, and distributed. These functions were entrusted to *nummularii*, who were supervised by a *superpositus* and seem to have been distinct from, and possibly ranked above, *officinatores*. Thus, in a twofold inscription dated to the reign of Trajan, M. Ulpianus Secundus was an *officinatorem monetae* when he buried his wife Claudia Festa and a *nummularius officinarum* when he died. Each denomination was treated separately, as two of the inscriptions cited above seem to suggest. J. Andrea is certainly right to consider the *nummularii* as employees (‘essayer-changeurs’) dealing with coins rather than with flans, as the word *nummus* (‘coin’ from the Greek νόμισμα, ‘statutory unit of currency’) would suggest. The role of distributor can be inferred from what is known about private *nummularii* in other areas of business life. I am skeptical about the existence of another category of controller, the *probator*, at least during the Principate. The existence of such a function has been conjectured by J. Lafaurie on the basis of a text by Africanus who cites the Augustan jurist Mela. The passage, however, clearly indicates that the *probatio* was performed by the *nummularius* with whom the money was deposited. Admittedly, the title of *probator* is attested on a stamped gold bullion from Naples, but both the onomastic and the terminology point toward a fourth-century date, or even later.

Finally, strict accounting was necessary in order to keep track of the quantity of metal (in flans or bullions) delivered to the mint and of coins leaving it. This task was entrusted to *dispensatores* (rationis monetae) who were always slaves. They handled the cash once it was ready for use and probably did the bookkeeping.

All mint workers and employees belonged to the *familia monetalis* (or *monetaria*). Even though most known mint workers belong to the imperial household, it seems that provincial mints could employ public slaves. As noted above, they were organized by units of...
specialists (signatores, malliatores, suppostores, flatturarii, scalpores, aquatores, nummularii, etc.) and were subordinated to a procurator assisted by praepositi, superpositi, optiones, adiutores, and officinares. Some fourth-century evidence suggests that the chain of command was not drastically modified as a result of third-century upheavals in the monetary system and of the major reforms introduced by Diocletian and his colleagues: a dedication was set up in honor of the emperor Constantine by Valeriius Rusticus, rationalis s(ummus) r(ae) with rank of vir perfectissimus, through the agency ("curante") of one Valeriius Pelagius, v(ir) d(egregius) s(acrae) m(onetae) u(rbis). The latter was obviously a procurator of the mint, and he reportedly acted jointly with the managers of individual units or workshops ("una cum p(rae)p(ositis) et officinaribus").

344 CIL VI 1145. Præpositi were sometimes confused with procuratores. Cf. M. Peachin, "Præpositus or procurator?" Historia 36 (1987) 248-49, discussing a possible mistake by Ammianus Marcellinus (22.11.2) about the title of Dracopius, the head of the mint at Alexandria in 363.

345 P.V. Hill, The Undated Coins of Rome (A.D. 98-148) (London 1970) 2-5, pointing out that some of these officinae were entrusted to the care of some members of the imperial family. In view of the number of officinae identified during the reign of Trajan (sixteen freedmen and nine slaves in CIL VI 43), it is clear that each officium employed more than one officinarius. One can think of joint managers, of different shifts, or of a division by metal or denomination.

As noted above, an equestrian entrepreneur had contracted for the management of five officinae aureae.347 Similarly, in the early fourth century, the short-lived mint at Ostia had on its staff a praepositus mediastinorum de moneta officina (sic) prima,348 from which one can infer the existence of several officinae (secunda, terza, etc.). The Trajanic inscriptions expounded above show that minting was conducted as a very large—by ancient standards—industrial enterprise, carried out at times by dozens of employees organized along highly sophisticated lines, quite similar to the pattern developed in private concerns. The size of the enterprise, and the highly sensitive nature of its economic function, called for division into managerial units to facilitate control over the production, both in qualitative and quantitative terms.

Since the later evidence provides more detailed information about the organization of officinae, it is necessary to summarize first what is known in this period before turning to the earlier material. In the late Roman and early Byzantine periods, the minting of coins was the responsibility of the comes sacrarum largitionum, the successor of the a rationibus and rationalis summæ rei.349 His officium comprised the structure and personnel of both mint and treasury and was com-

Antoninus, Pertinax, Severus Alexander, Maximinus, Gordian I and II, and Balbinus and Pupienus. These six officinae would have been reduced to five under Pertinax, Didius Julianus, and for the whole period between 193 and 196. Carson concludes that

it is evident at a number of points in the imperial coinage that the mint of Rome operated as an organization of a specific number of officinae each producing coinage with a given reverse. The evidence for this theory, and specifically for an organization in six officinae comes in the reign of Philip when for the first time the antoniniani carry each the number of the six producing officinae marked by Roman numbers I to VI or Greek numerals A-S.346


347 ILS 1470 (- CIL VI 8435).

348 ILS 1689 (- CIL XIV 1878).

posed of 446 members, divided into eighteen departments (serinia). The staff was divided into two sectors (managerial and technical). Every individual staff member was assigned a rank or grade (out of seven). Equestrian officials, who held managerial functions, ranked as perfectissimi, ducentarii, centenarii, or epistulares and made up approximately one fourth (ca. 134 people) of the whole staff. Freedmen and slaves, who performed clerical or manual tasks, belonged to three lower categories (Formae I-III) and made up the remaining three fourths (ca. 312 people). The ratio between managerial and technical staff varied from one serinium to another.\(^{350}\)

In the fourth century, for instance, the gold mint was divided into ten workshops (officinae) operated by aurifices solidorum. On the basis of the charter of the personnel of the Palatine officium of the comes sacrarum largitionum\(^{351}\) that shows thirty aurifices solidorum in Forma II, M.F. Hendy points out that each of the ten workshops was a unit of three workers, two suppostores holding the anvil die, and one signator handling the hammer die. The combination of two suppostores and one malleator is illustrated by a coin from the Vienna collection (Bundessammlung, Wien), the reverse of which shows two workers sitting on the floor and holding something upon a kind of stool, while a third worker, standing, wields a hammer.\(^{352}\) The staff in charge of melting, shaping, weighing and correcting the flan did not belong to the actual officinae. The group of aurifices solidorum in the charter included one ducentarius, seven centenarii, six epistulares, and nine employees from forma I, who performed these and other administrative tasks. Furthermore, Hendy points out that the officina number (marks A-I on the reverse of coins) was engraved after the remainder of the reverse die had been cut, and (that) the occasional alteration of the number suggests that perhaps at the end of the day or of the work-session the dies reverted to an outside authority, whence they were redistributed—normally but not invariably—to the same officinae on the recommencement of work.\(^{353}\)

Each metal was coined in separate workshops, possibly with different administrative structures or internal organizations. For instance, it can be shown that the dies were kept outside the officinae for the gold coinage, but inside for the copper coinage. Since security requirements were not the same for each denomination, such discrepancies are not surprising.

In the fourth century, as before that time, a mint was administered by a procurator and divided into officinae. The terminology designating ranks and specialties might have changed over time, but it seems to me unlikely that the overall organization of the production of coinage underwent major changes, except for the increase in number and size of workshops in the third century.

Why did mint administrators maintain an internal division, based on a certain number of units of production, rather than simply increase or decrease the personnel involved in one single unit? According to D.W. Mac Dowall, the purpose of any officina system was clearly to divide the work at the mint between a number of responsible divisions of manageable proportions, and to exercise a degree of administrative control over the coins produced by different divisions. The purpose of any such organization would be lost if mint inspectors were not able to distinguish easily the product of differing officinae to apportion blame for any lapse from standards.\(^{354}\)

The officina system is certainly the product of some sophisticated managerial policy. Admittedly, quality control could be achieved none the less if the minting of coins was concentrated in one single unit of production, for instance by giving each of the mint workers involved in the actual process of striking a personal die symbol. It seems, however, that the dies were returned to a central depository and reissued at random to workers on the next workday. Thus, patterns of die links lead P. Bastien to assume the existence in the late third century A.D. of a central room where dies were stored every night before being redistributed randomly to any officina the next morning. Because obverse-die links are more frequent than reverse-die links (one obverse die being connected with several reverse dies), Bastien suggests that reverse dies, bearing the mark of the officinae, were returned to the same officina or stayed in the workshop.

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\(^{350}\) Cod. Just. 12.23.7 (384); Notitia Dignitatum (ca. 400); Cassiodorus, Variae 12.6.7 (401-526). Cf. A.H.M. Jones, LRE I (1964) 583-86.

\(^{351}\) A.H.M. Jones, LRE I (1964) 583, based on Cod. Just. 12.23.7 (A.D. 384).

\(^{352}\) J. Lafaurie, BSEF 27 (1972) 270 provides a photograph of this coin.

\(^{353}\) M.F. Hendy (1989) 4. This remark, made in reference with the gold coinage, is not necessarily valid for other denominations.

overnight while obverse dies, bearing the portrait of the emperor, were stored properly for protection.\textsuperscript{355}

How early is this division into separate units of production attested? In his study of the coinage of Galba, C. M. Kraay observes that three, possibly five (A-E), units were active simultaneously. These officinae would have been self-contained units placed under the control of one of the moneys. One officina, however, seems to have developed as a separate mint at an early stage, and could have been located elsewhere (in Gaul or in Spain). The same author remarks that the continuous activity of officinae from reign to reign should not be expected. The organization must have involved a very small technical staff, including both administrative and metallurgical experts, which could be rapidly expanded by signing on casual labor." According to Kraay, this pattern of subdivision of the mint could have been initiated in A.D. 64 and need not have been permanent.\textsuperscript{356}

The process has been best observed by T.V. Buttrey in his study of the denarius coinage of P. Crepusius, one of the tresores monetales in 82 B.C.\textsuperscript{357} Crepusius issued massive quantities of coins, first individually, and then jointly with his colleagues, L. Marcus Censorinus and C. Mamilius Limetanus. The obverse bears a unidentified laureate head (representing perhaps Apollo of Jupiter Feretrius) alone or with one of twenty-four symbols and/or one of twenty-one letters (A-X), which makes up a total of 479 different obverse dies. The reverse bears a horseman brandishing a spear with one Roman numeral from 1 to 519, which corresponds to the number of reverse dies.

Symbols, letters, and numerals provide the basis for establishing the order of Crepusius’s coinage. Buttrey points out that the symbol groups were not struck one after the other, but that up to group 18 (symbol of a hooked staff) they were struck in pairs.\textsuperscript{358} This suggests that two anvils or two sets of anvils were in operation simultaneously. Thus, it seems that the workshop was divided into two sections, i.e. either two officinae or two divisions of the same officina.

Obverse dies never passed from one section to the other, whereas reverse dies were used indiscriminately in either section.\textsuperscript{359}

This internal division is also reflected at the level of the style of the engraving. Two engravers (or two schools of engravers) were at work at the same time, one exhibiting a fine style and producing symbols with an agricultural or pastoral flavor, the other turning out dies of a less refined style with symbols representing divine attributes.\textsuperscript{360} Finally, from group 18 to 24, Crepusius’s coinage was struck at one (set of) anvil(s) only, while the other was used for the production of the joint issue of the moneys of 82 B.C.\textsuperscript{361}

The system was too idiosyncratic to convey any messages to the bearers of the coins, i.e. economic agents in general. The conclusion that it was meant for internal use is almost inescapable,\textsuperscript{362} and the disparity of the marks from one issue to another suggests that they represented a decision by (one of) the moneys. As to the meaning of the marks, Buttrey remarks that since Crepusius’s obverse letters or symbol-letter combinations are each unique to the die, as are the reverse numbers, the marks provide an easy identification of the individual die for bookkeeping, and a cumulative check on die production.\textsuperscript{363} However, control of the quality and quantity of the output of the mint could be done without resorting to a two-anvil system. Why then did the moneyers resort to this type of organizational structure? Perhaps in order to facilitate the evaluation of the productivity of the workers. By having two (or more) autonomous units working side-by-side and doing the same thing, the managers could compare their respective outputs, reward the better unit, and put pressure on the worse one to improve its productivity. Internal competition was fostered by the division of the workforce into independent units of comparable size and composition.\textsuperscript{364}


\textsuperscript{358} T.V. Buttrey, ANSNumN 21 (1976) 89.

\textsuperscript{359} M.H. Crawford, PBSR 34 (1966) 22 suggests, on the basis of the evidence provided by the Agrigien hoard, that the two-workshop system attested between 135 and 125 B.C. worked alternatively on a yearly basis. Other instances of dual systems point toward a division of officinae between moneys.

\textsuperscript{360} T.V. Buttrey, ANSNumN 21 (1976) 90-93.

\textsuperscript{361} T.V. Buttrey, ANSNumN 21 (1976) 102.

\textsuperscript{362} M.H. Crawford, PBSR 34 (1966) 22 comes to the same conclusion on the ground that the marks scratched on the issue of L. Sulla and L. Manlius Torquatus were not intended to survive on the coin.

\textsuperscript{363} T.V. Buttrey, ANSNumN 21 (1976) 104.

\textsuperscript{364} This interpretation has been suggested to me by Dr. W.E. Metcalf at a Seminar of the American Numismatic Society (Spring 1986). However, Buttrey (107) points out that the two-anvil system "is good evidence for a kind of organiz-
If one accepts the suggestion that the Roman mint, both during the Republic and the Empire, was divided into two or more officinae performing identical tasks, it is necessary to examine whether each of these officinae formed a managerial unit. If the administrative structure of the Roman mint were copied from the model provided by the management of agricultural estates—and the intensive division of labor and the four-level administrative structure offer some striking similarities—then we would expect to find an intermediate managerial level between the mint administrator (tribunus monetales or procurator) and the mint workers, which would be filled by a vilius or any other official acting as unit manager.

The obvious candidate for this position is the optio et exactor attested in the Trajanic inscriptions examined in the previous section. This official is attested in dedications set up by at least two distinct groups of mint workers and it has been suggested that, as an imperial freedman, he was more likely to be an agent of the emperor than of the imperial procurator.365

As minting was carried out—at least until the end of the Republican period—in or near the temple of Juno Moneta,366 one may wonder whether the temple staff had anything to do with the management of the minting facilities. The only known aedilicus de monetae should be dated later than the removal of the mint from the temple of Juno Moneta and therefore cannot be regarded as relevant in the context of mint organization. This inscription might at best provide the latest evidence for the existence of the temple of Juno Moneta.367

358 Suet., Iul. 76.3. Cf. above.
359 CIL VI 33400.
356 ILS 1837 (CIL VI 1244); “Diii M(anibus) / fecit Mindia Helys C. Julius Thallo / marito suo bene merenti, qui egíst officina plumbariae Transstherinarea (regione) / et Trigirio(s), superposito auri monetae / numulariorum, qui vixit annis (iii) XXXIII m(enibus) VI . . . .”
357 CIL X 3967 (Capua/Regio I); and AE 1946, no. 136 (Verona/Regio X); CIL XI 728 and 731-736; and AE 1976, no. 214 (Bononia/Regio VIII). These vilici were either public or imperial slaves or the agents of public contractors (condutoriae, manceps, remansiores). A connection between the metal industry and the mint was suggested by J.D. Mac Isaac (1987) 111-16 in his attempt at localizing the mint at the base of the Arx, where metal workshops are known to have been located.
one should perhaps look through the inscriptions for another title that might designate the person in charge of a managerial unit. The first position that comes to mind is that of officinarum. We have seen that it is difficult to figure out what their function was in the minting process. Perhaps we should think of a managerial role for them. This hypothesis would be consistent with what officinarum seem to be in other contexts, for instance in the brick and tile industry. Thus, Donatus, the imperial slave officinarum who dedicated an inscription to the God Silvanus on the Caelian Hill, in the vicinity of the imperial mint, would be on a similar standing as the numerous silicis who dedicated their inscription to the same deity.373

The scarcity of evidence, however, leaves a great deal of uncertainty as to the title and function of managers of officinae monetales. The continuous existence of such managers seems to be supported by the above-mentioned fourth-century inscription which lists, next to the rationalis summae rei, a procurator, s(acrae) m(onetiae) u(bris) una cum f(tae)p(ositis) et officinaribus.374 The fourth-century praepositi could include all kinds of managers and foremen, but they are best understood in the light of Suetonius’s remark about Caesar setting, in his capacity of self-appointed curator monetae, his own slaves as managers of the departments of the mint.

4. Conclusion

During the Republican period, mints were operated by a staff—which is never described in written sources—under the supervision of lower magistrates. Julius Caesar was the first to take over the organization of the mint, to the head of which he appointed his own slaves. It seems likely that the reform introduced at this time consisted in bringing in the silicus system, although the title is never explicitly attested in the context of mint management. The subsequent division of power under Augustus between the emperor and the traditional institutions of the Roman state left the members of the familia Caesars in charge of the gold and silver coinage. Second- and third-century inscriptions offer a glimpse of the social and technical composition of the familia monetalis and reveal a sophisticated division of labor. Later material seems to confirm the result of die studies of some issues of Republican coinage pointing toward the division of the mint into several officinae for the purpose of establishing internal competition resulting in higher productivity. This last point is admittedly speculative.

F. Conclusion

Through these five studies I have tried to demonstrate how the silicus system seems to have been applied indifferently in private, public, and imperial administration. In some cases, public servants are found supplementing private or imperial slaves and freedmen. The execution of administrative tasks was supervised by the magistrates of the Roman state or of Italian and provincial municipalities—these tasks often required a closer supervision by longer-term curatores—and ultimately by imperial officials (procuratores and praefecti) or army officers. The actual work was carried out by a more or less permanent, hierarchically organized staff composed of specialists and often owned by private contractors (socii, conductores, mancipes, redemptores), the state or a municipality (seres publici), or the emperor (familia Caesars). Among these skilled workers, a few individuals were bound to be endowed with some financial and contractual power to allow them to carry out the day-to-day business without requiring the personal involvement of higher officials. Delegation had long been recognized to be the key to efficiency.

It is quite likely that the passage from one system to the other did not necessarily affect the actual management of these services at their lower level. The stability which resulted from such a structure of management partly accounts for the limited references in the literary sources to these administrative reforms.

Finally, it is clear that the managers of public or imperial facilities were usually appointed by representatives of the state/city or of the emperor. These representatives could have been Roman magistrates in the case of the administration of the Republican mint; during the Principate, however, state or city commissioners (senatorial or municipal curatores) and imperial officials (equestrian or freed procuratores) were undoubtedly responsible for such appointments. Consequently, one can wonder who would have been liable for the contracts negotiated by public or imperial actores, silicis, officinarum,

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373 AE 1909, no. 99, to be compared with CIL VI 586; 615; 619; 623; 662; 664; 666; 679; 696; 31010, etc. Cf. P. F. Dorcey, The Cult of Silvanus (Leiden 1992) 116–20.
374 CIL VI 1145.
and their likes. The question may sound idle, since it would be ludicrous to think that a customer of imperial bath who felt cheated by the slave manager would have dared sue the bath commissioner, not to mention the emperor. However, there were cases in which the contractual power of a public or imperial servant would have benefited from the acknowledgement of the additional liability of his superior. Let us envisage the same public/imperial bath manager buying firewood to heat the installations. If he could not rely on his own organization to provide it, he had to approach a private supplier, thus competing with other potential buyers. What would have been the incentive of the supplier to deal with the public/imperial servant who could go back on his word with impunity, while the other buyers, principals or agents, could at least be sued in case of nonobservance of any of the provisions of the contract?

In this respect, a set of passages by the classical jurists Ulpianus et Paulus—which have usually been considered interpolated—should be looked at from a different perspective. Ulpianus says that if the appointment of a business manager has been made by a procurator, a tutor, or a curator, the principal remains liable to an actio institatoria.\footnote{Ulpianus (28 ad ed.) Dig. 14.3.5.18: “Sed et si procurator meus, tutor, curatur, institorem praeposuerit, dicitur erit veluti a me praeposito damdam in institutoriam actionem.”} Further on, he adds that an appointment made by an unauthorized administrator, once ratified, would be considered valid.\footnote{Ulpianus (28 ad ed.) Dig. 14.3.7 pr.: “Sed et si quis mean rem gerens praeposuerit et ratum habuerro, idem erit dicendum.”} In connection with the first provision, Paulus states that the procurator—tutor and curator are left out—would be jointly liable to an actio institatoria.\footnote{Paulus (50 ad ed.) Dig. 14.3.6: “Sed et in ipsum procuratorem, si omnium rerum procurator est, dari debeat institutio.”} It is likely that the phrasing of these passages is post-classical,\footnote{Paulus (50 ad ed.) Dig. 14.3.6: “Sed et in ipsum procuratorem, si omnium rerum procurator est, dari debeat institutio.”} which is not to say that the idea behind them should be discarded. Insofar as the emperor was theoretically a private individual looking after the interests of the Roman state on a voluntary basis and in a spirit of munificence and selfless dedication, the legal position of his representatives was not different from that of the agents of any other citizen: third contracting parties dealing with them had a legal remedy either against the agent (actio directa) or against the principal (actio insitatoria/exercitoria/quod iussu/de in rem verso/de peculio/tributoria).

Cases involving the agents of the state or of a municipality are admittedly more complicated. Although this is not the place to discuss the problems arising from the lack of corporate law in ancient Rome or the subtleties of the development of the juristic personality in Roman law, it is necessary to state a few points.\footnote{I follow J. Plessia, “The Development of the Juristic Personality in Roman Law,” Studi Sanfilippo I (Milan 1982) 487-524.} While the Roman state should be considered a necessary sovereign corporation governed by public law, towns were necessary corporations governed by private law. This point is explicitly stated by Gaius.\footnote{Gaius (3 ad ed. prov.) Dig. 50.16.16: “Eum qui vectigal populi Romani conducere habit, publicam appellamus. Nam publica appellatio in compluribus causis ad populum Romanum respicit: civitates enim privatorum loco habentur.”} Internal matters were managed by the assembly of citizens, the council, and the magistrates (= organs), while external matters were dealt with by agents (syndicus/actor) representing the municipium.\footnote{Gaius (3 ad ed. prov.) Dig. 3.4.1.1: “Quibus autem permissum est corpus habere collegiati sive civiumque alterius eorum nomine, proprium est ad exemplum rei publicae habere res communes, arcam communem et actorem sive syndicium, per quem tamquam in re publica, quod communitat agere eumque operaet, agatur fiat.”} By the late Republican period, towns were entitled to sue and liable to be sued, which implied the right to own, acquire, and transfer property.\footnote{Ulpianus (10 ad ed.) Dig. 3.4.7 pr.: “Sicut municipum nomine actionem praetor dedit, ita et adversus eos iustissime edicendum putavit. Sed et legato, qui in negotiis publicis sumptum fecit, puto damdam actionem in municipiis.” J. Plessia, Studi Sanfilippo I (1982) 505 n. 49.} The liability of municipal duoviri and of the town itself, incurred in connection with the management of public affairs, was extended...

\footnote{Ulpianus (9 ad ed.) Dig. 3.4.6; Ulpianus (5 ad ed.) Dig. 2.4.10.4; Ulpianus (48 ad ed.) Dig. 42.14.2; Maecianus (12 fideicomm.) Dig. 36.4.12; and Julianus (40 dig.) Dig. 36.1.28 pr. Cf. J. Plessia, Studi Sanfilippo I (1982) 505, n. 49.

With Dr. Vario, Ling. 8.41, and was extended to all types of corporations (collegia) by Marcus Aurelius, cf. Ulpianus (5 ad Sub.) Dig. 40.3.1. Cf. W. Liebenau, "Siedevertretung im römischen Kaiser-Reiche" (Leipzig 1906) 66-67.
beyond the year in office of the magistrates.\textsuperscript{383} Finally, it is interesting to note that Macer and the emperors Alexander Severus and Diocletianus/Maximianus compare the state or a municipality (\textit{res publica}) to a ward (\textit{pupillus/-a}).\textsuperscript{384} This evidence demonstrates that the administration of municipal property was governed by private law. Consequently, municipal commissioners (\textit{curatores}) and public actors/vilici were in a similar legal position as private guardians and agents, respectively.\textsuperscript{385} The principle of the liability of \textit{curatores} could be regarded as an incentive for them to apply special care in the management of public funds.\textsuperscript{386} Accessory, it was perhaps more practical to bring a lawsuit against an individual, no matter how powerful, than against a community.

\textsuperscript{383} Paulus (1 \textit{ad ed. prat.}) Dig. 44.7.35.1: “In duumviro et rem publicam etiam post annum acto datur ex contractu magistraturum municipalium.”
\textsuperscript{386} J.C. Fant, \textit{The curatores rei publicae in Italy, from their Inception to the Death of Commodus} (Diss. Univ. of Michigan 1976) 102-06.

\textbf{CONCLUSION}

The practice of doing business through agents predated the second century B.C. and was certainly not a Roman invention. There are numerous examples in Classical Greece illustrating this fact. Plutarch, for instance, reports how Pericles administered his family estate in a most unconventional way. Doing away with the normal practice of aiming at self-sufficiency, the fifth-century Athenian statesman employed an agent named Evangelos to sell in bulk the production of his estate, to buy all necessary commodities on the market, and to keep track of all receipts and expenditures. Since Pericles was against storing staples, Evangelos was probably instructed to sell the products immediately after the harvest, even though, at this time of the year, prices were low as large supplies of all kinds of agricultural products were dumped on the market. While Pericles’s relatives may have expressed some dismay over the losses incurred as a result of the poor timing of the sale, they do not seem to have questioned his reliance on a business agent.\textsuperscript{1} The case of Evangelos was hardly exceptional. In Demosthenes’s speech \textit{Against Phormio}, the slave Lampis was appointed as shipmaster by his master Dio,\textsuperscript{2} and the list of similar examples could be greatly extended. Even though our knowledge of agency in Greek laws, including Athenian law, is rather sketchy,\textsuperscript{3} it is clear that the Romans should be credited with the introduction of drastic innovations in their legal system which both reflect the importance of agency in the Roman economy in the mid- and late-Republican period, and account for the growing role of business managers in the next centuries.

Because of their social and legal status, slaves, foreigners, and family dependents (\textit{alieni iuris}) were deprived of property rights and unable to make binding contracts with customers and contractors.

\textsuperscript{1} \textit{Plut., Per.} 16.3-6.
Although this situation did not bar them altogether from engaging in economic activities, it constituted a major obstacle for their involvement in complex business transactions requiring reciprocal commitment from both parties. In order to facilitate such business transactions, the Roman Republican praetor devised a twofold system, whereby the contracts made by people with no legal personality acting as business agents and managers would involve both their own liability—to no immediate effect—and that of the people who had commissioned them. The liability of the latter group was defined by the scope of the commission (specific task [szusum] or permanent appointment [praeposito]), and by the extent of the principal’s enrichment (de in rem verso). In addition, a different kind of arrangement, based on the grant of a personal, legally fictitious endowment (peculium), provided both principal and third contracting party with a limited protection: while the former would at most lose his/her dependent’s peculium, the latter could obtain redress up to the total value of the peculium without having to prove the principal’s initial agreement to his dependent’s business activities. All these legal remedies had their limits, but represented a major improvement by comparison with the previous situation, in which third contracting parties were left with no effective legal remedy against either agent or principal.

Slaves, foreigners, and dependent people had not waited for the law to change to get involved in business transactions. Thus, one or two generations before the creation of the actiones aedicti et qualitatis (in the late second century B.C.), Cato the Elder reportedly gave his slaves loans which enabled them to buy other slaves, to train them, and then to resell them with a profit.4 M.I. Finley rightly states that “in practice...a substantial part of the urban commercial, financial and industrial activity in Rome, in Italy, and wherever else in the empire Romans were active, was being carried on in this way by slaves and freedmen from the third century B.C. on.”5 During the second century B.C. the social and economic conditions changed in such a way as to make the adjustment of the law of agency desirable, not to say inevitable. I suggested that such an evolution was triggered by the rise of absentee landownership in connection with the development of the villa economy, and that the growth of sea-

5 M.I. Finley (1985) 64.

borne trade is to be seen more as a consequence than as a cause of the economic development usually associated with the introduction of the practorian remedies. Long ago, M. Rostovtzeff had already recognized that the origin of agency lies in the sudden availability of new land (as a result of the conquest) and manpower (enslaved prisoners of war) in the late third and second century B.C. Borrowing the capitalistic system of management from the Greeks of the Hellenistic period, the Roman nobility invested its newly acquired wealth in landowning, moneylending, and industry.6

The ancient economy was mainly based on agricultural production. Private land was divided into economic or managerial units (fundis), the exploitation of which was carried out by the landowner, entrusted to a farm manager (vicitius), or rented to a tenant (conductor or colonus). Farm managers were mostly slaves, and were in charge of operations implying fairly developed technical, organizational, and managerial skills. The villa economy soon became diversified and sophisticated enough to require from them that they enter into legal contracts with outsiders, in order to buy tools and equipment, sell surpluses or even part of the production, buy or hire additional hands and specialized workers, sell or rent out idle and unnecessary ones, etc. While some farm managers undoubtedly took part in fieldwork, others were too busy with managerial tasks to do so, and chose to rely on a staff organized along paramilitary lines, featuring squads, squad-leaders, and specialists. The farmstead, with its equipment, livestock, technical and managerial staff, provided third contracting parties with a sense of security in their dealing with business managers. This was the essence of the vicitius system, as described by Roman agricultural writers of the classical period (Cato, Varro, and Columella).

The development of non-agricultural activities as part of the villa economy called for an extension of the functions of the vicitius. The management of workshops producing building material, containers for the storage and marketing of agricultural products, and various types of artifacts for household consumption and/or export, implied a new division of labor within the villa, and the establishment of new levels of supervision: between the landowner/principal and the farm managers, various types of administrative agents were in charge of.

keeping accounts, handling cash, and assisting farm managers. Insofar as ancient Greek novels reflect the social reality of the time of their composition, the *Love Story of Charonis and Callirhoë* by Chariton of Aphrodisias (dated between 100 B.C. and A.D. 200, most likely around the middle of the first century A.D.) features a ‘general’ manager, Leonas, employed by a rich Greek landowner from Miletus, Dionysios, buying a female slave from a pirate/slaavery dealer and entrusting her to the care of a farm manager named Phocas. In this context, it is remarkable that Leonas must turn to a professional lawyer in town in order to draw a written contract (καταγραφή) to validate his purchase. Large estates located in Asia Minor or Syria managed by a farm manager (οἰκονόμος) employing slave labor commanded by squad leaders (ἐπιστάται) under the supervision of an overseer (ἐργοστάτος) were a common feature of second-/third-century A.D. Greek novels. In Achilles Tatius’s *Leucippe and Clitophon*, the manager (διοικητής τῶν χωρίων) is again pictured as buying a female slave for his master. This may be a literary topos, but it underlines a specific activity performed by various kinds of business managers, namely making contracts. The position of διοικητής in the novels corresponds either to that of *procurator* or to that of *actor* (καταγραφή). The latter position is first mentioned in Columella’s treatise and shows up in inscriptions from Italy around the middle of the first century A.D.; it seems to reflect a more sophisticated stage in estate management, whereby the manager was no longer strictly attached to the managerial unit he was in charge of. This legal development was recorded by classical jurists, according to whom it was no longer instrumental for the manager to be appointed to the head of a specific business (taberna, etc. as *locus praepositionis*) for the *actio insitioria* to be given against the principal to third contracting parties.

Most of the ancient evidence suggests that, in the early history of the *actio insitioria*, only dependent people (slaves and persons-in-power) could be appointed as business managers. Although it seems that by the time of Cicero, *sibiici* could be freedmen, free(d) business managers remain rare during the whole period. So are persons-in-power in the same position, even though their legal situation was similar to that of slaves. It is true that, now and then, one hears of some *filius familias* involved in some business deal of his father’s. But the overwhelming majority of business managers were slaves, male or female, adults or teenagers, and the reason why it was so is not easy to explain. The position of business managers must have retained a strong servile flavor, and even lower-class people (free-born and freedmen) may have been careful to avoid any ambiguity about their status and then reluctant to take such a position. Conversely, it was perhaps the result of a deliberate choice on the part of the principals to select their trusted representatives among the members of their slave household. Besides, it is possible that third contracting parties, like Harpax in Plautus’s *Pseudolus* (608 ff.), were reluctant to deal with non-slave agents for fear of being unable to prove the connection between agent and principal, and thus to lose the benefit of an *actio insitioria* in case of litigation. Finally, one cannot exclude that the evidence is biased. Slaves seem to be much

by Melite (5.17.10): Ἡ δὲ τῶν μὲν τῆς διοικητῆς, ἡ δέ τῆς Πολυμένου, ἡ δέ τῆς Στρατηγοῦ, ὧν ἐστὶν ἅπασα ἀνωποίητα διοικητῆς...

11 This is the case, for instance, of Lucius, in Pseudo-Lucian’s *The Acts* (1). As a result of the advanced age of men at marriage, nearly 60% of all youths would
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easier to detect as business agents or managers than free(d) people, because it is assumed that, as slaves, they were working on behalf of their master. However, this is not necessarily true. As M.I. Finley puts it: “unlike slave bailiffs and managers, those who had a peculium were working independently, not only for their own masters but also for themselves. And if the business were on any scale above the minimal, their peculium was likely to include other slaves along with cash, shops, equipment and stock-in-trade.” In the mass of stamped signatures preserved on clay artifacts, it is always difficult to determine whether a person signed in the capacity of entrepreneur, business manager, contractor, or mere employee.

The difference between business managers and other employees with responsibilities, such as foremen, overseers, treasurers, controllers, coaches, etc., lies in the ability of the first mentioned to make valid contracts. In each managerial unit, the person in charge of making decisions about short-term and long-term policy had to be able to determine how the facility was to be furnished and organized, how much and what kind of labor, tools, equipment, raw material was to be put to work in order to achieve the goals of the enterprise. The combination of various factors of production is the key to profitability of any economic venture, and ancient managers, who were often stuck with a fixed number of slave workers, needed to be able to rent them out in times of underemployment within the enterprise, and to supplement them with outside labor in peak periods (harvest season, etc.). The lack of communication between manager and principal forced the former to take initiative when one factor of production needed to be replaced or adjusted. Besides, it is likely that managers were often more competent than absentee principals to make difficult choices regarding purchases of equipment, hiring of skilled workers, and marketing of the production.

It is difficult to say whether or not business managers formed a homogeneous social class. They are likely to have been diversely successful, and this alone should serve as a reminder of the discrepancy among them in terms of economic power. Urban positions were probably more coveted than rural ones; some functions, such as tax collection, bath- and innkeeping, were branded with infamy; others, such library management, were held in higher repute. Public and imperial servants enjoyed a special status. Those managers who commanded a numerous and diversifed staff must have been wooed not only by their subordinates, but also by the rest of the local community, especially by those hopeful hirelings gravitating around the enterprise. Others, who were in charge of small enterprises, must have been ignored like any other worker. In spite of the classical jurists’ contention that men and women, boys and girls, were treated equally in the position of business manager, it is likely that the more desirable the position the more likely that it was filled by an adult male. We do have some evidence about child and female labor, but it is hopelessly short on the subject of managerial jobs. One can wonder whether the provisions of the Senatusconsultum Velleianum (A.D. 46?), barring women from incurring liability for the benefit of others (interessae), and of the Senatusconsultum Macedonianum (under Vespasian), barring persons-in-power from taking out loans, may have adversely affected the ability of women and youngsters to work as business managers. In any case, slaves and lower-class people were unlikely to be concerned with these kinds of legal subtleties. The only trade where female managers might have been common was as inn-/brothelkeeper, hardly something to be excited about


have lost their patrifamilias by the time they reached the age of 20; cf. R.P. Saller, CP 82 (1987) 21-34, esp. 33 (Table II).

12 M.I. Finley (1985) 64.
from a feminist point-of-view. Again, the evidence might be biased against women and children.

The nature of the social and personal relationship between agent and principal is also elusive. The success of the *vulgius* system in agriculture as well as in other sectors of the Roman economy speaks in favor of a genuine understanding between the two groups. Business managers who served as cover for the nobility involved in despised economic activities were to be trustworthy employees, whose discretion and honesty were instrumental in maintaining the respectability of their principals. The point of relying on a business manager would have been missed if, as a result of the latter’s shady activities, the owner of a brothel found himself repeatedly involved in litigation against cheated customers. In any case, there was ample ground for defining a community of interest which, translated into a general policy, would have benefitted both employer and employee, no matter how large the social gap between the two. In this respect, slaves are not likely to have been more amenable than freeborn managers, because of their unavoidable propensity to passive resistance in case of compulsion or harsh treatment. For people in managerial positions, the carrot has always been more efficient than the stick. Like students, employees fare better when they know that they are expected to succeed:

FELICITER SIT
GENIO LOCII
SERVULE VTERE
FELIX TABERN
AM AUREFI
CINAM

Let us wish good fortune to the Genius of this place. Young slave, good luck with the management of this goldsmith’s shop.15

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15 CIL VII 265 (- ILS 3651 = RIB I 712, Norton, Yorkshire, *tabula anitata* used as a building stone, probably as a sign on the wall of the shop set up by the manager’s principal/master).


H. Bloch, "The Roman Brick-stamps not Published in Volume XV, 1 of CIL.," *HSPP* 56/57 (1947) 1-128 (= S).

H. Bloch, "Supplement to Volume XV, 1 of CIL Including Complete Indices to the Roman Brick Stamps," *HSPP* 56/57 (1948) 1-104.


A.M. Burnett, "The Authority to Coin in the Late Republic and Early Empire," in *NC* 137 (1977) 37-63.


A. Carandini, "Produzione agricola e produzione ceramica nell’Africa di età..."


A. Carandini et al. (eds.), *Settefinestre: Una villa schiavistica nell'Età romana* (Modena 1985).


D. Collins et al., "L'épave Port-Vendres II et le commerce de la Bétique à l'époque de Claude," *Archaeonautica* 1 (1977) 93-103.


M. Corsi-Scellano-B. Liou, "Les épaves de Tarraconaise à chargement d'amphores Dr. 2.4," *Archaeonautica* 5 (1985).


L. Gracco Ruggini, "Vicende rurali dell'Italia antica," *RSJ* 76 (1964) 261-86.


T. Helen, Organization of Roman Brick Production in the First and Second Centuries A.D. (Helsinki 1975).


L. Homo, Rome impériale et l'urbanisme dans l'antiquité (Paris 1951).


J. Humphrey, Roman Circuses (Berkeley, CA 1985).

P. Huvelin, Études d’histoire du droit commercial romain (Paris 1929).


H. Jouffroy, La construction publique en Italie et dans l'Afrique romaine (Strasbourg 1986).


M. Kasner, Das römische Zinsfußrecht. (Münich 1966) (= RZ).


D. P. Kehoe, Management and Investment on Estates in Roman Egypt during the Early Empire (Bonn 1992).


T. Kleberg, Hôtels, restaurants et cabarets dans l'Antiquité romaine (Uppsala 1957).


A. Labisch, Praxistanz und die Dignariousverwaltung der Heer Caesares (Meisenheim am Glan 1975).


BIBLIOGRAPHY

P. Landvoigt, "Epigraphische Untersuchungen über den oikovouchos (Strasbourg 1908).
W. Lanhammer, Die rechtliche und soziale Stellung der magistratur municipalis und der
dekuriones (Wiesbaden 1973).
J. and A. Lasarogy - H. Vertet, L'atelier de potiers augustéens de la Muette à
E. Lattanzi - M. Letizia Lazzarini - F. Moine, "La tegola di Pellar (Reggio
S. Laufer, Die hebräischen Pressezeitung (Berlin 1971).
M. -P. Lavizzari Pedrazzini, "Artigianato colto e di tradizione efeletica nella
transpadana di età augustea. La ceramica 'tipo Aco'," RCFR 25/26 (1987)
235-80.
123-30.
J. Le Gall, "Les habitants de Rome et la fiscalité sous le Haut-Empire," in H. van
M. Lemoine, "La procédure contre l'esclave débiteur, une nouvelle révélation
O. Lenz, Palimpsestum romanum civilium (Leipzig 1889).
O. Lenz, Das Editto Pefteim (Leipzig 1927).
G. Lepelley, "Liberté, colonat et esclavage d'après la Lettre 24*: la juridiction
épiscopale 'de libertis caussa'," in Les Lettres de Saint Augustin découvertes par P.
Dieudonné (Paris 1893) 32-42.
H. Lepin, Historien. Untersuchungen zur sozialen Stellung von Bühnenkünstlern im
Westen des römischen Reiches zur Zeit der Republik und des Prinzipats (Bonn 1992).
P. Le Roux, "L'urbain de Bétique et le prince sur un itinéraire anonyme," REA
P. Leurgans, "L'origine administrative du terme locatio dans la locatio-conduito
P. Leveaud (ed.), L'origine de la richesse dépensée dans la ville antique (Aix-en-Provence
1983).
W. Liebenam, Städteverwaltung im römischen Kaiserreich (Leipzig 1900).
L. de Ligt, Fairs and Markets in the Roman Empire. Economic and Social Aspects of Periodic
Trade in a Pre-Industrial Society (Amsterdam 1995).
B. Lieu, "Les amphores au rôle de l'épave Saint-Gervais 3 à Font-sur-Mer: premiers
observations sur les inscriptions peintes," in J. M. Błaszczak Martinez (ed.) Producción y
comercio del aceite en la antigüedad (Madrid 1980) 161-75.
B. Lieu - J. Gassemond, "L'épave Saint-Gervais 3 à Font-sur-Mer (milieu du IIe
siècle ap. J.-C.). Inscriptions peintes sur amphores de Bétique. Vestiges de la
B. Lieu - A. Tcherina, "L'interprétation des inscriptions sur les amphores Dr.
20," in Epigraphia de productione et distributione. VII rencontre de l'Ecole Francaise
de Rome, 5-6 juin 1992 (Prestiti, pp. 73-82).
E. L. Lo Castro, "Oberarea (oharata). La nozione della dipendenza in Varrone," Index
S. Loeschke, Lampen aus Vindonissa. Ein Beitrag zur Geschichte von Vindonissa und des
antiken Revolutionsreichtums (Zürich 1919).
F. Longo Auricchio - M. Capasso, "Lo rottolo della Villa ercoleane: dislocazione e
G. Longo, "Actio exercitoria, actio institoria, actio quasi institoria," Studi G. Scherillo II
(Milan 1972) 581-626.
M.-F. Loyezant, "A propos de Marcus Cassius Severianus Oisiponensis, diffrac
G. MacGormack, "The Early History of the actio de in rem verso (Alienum ad
laborem)," Studi Boccii II (Milan 1982) 319-39.
G. MacGormack, "The Later History of the actio de in rem verso (Proculius ad
D.W. Mac Dowall, "The Organisation of the Julio-Claudian Mint at Rome," in
R. A. G. Carson - C.-M. Kraay (eds.), Scripta nummaria romana. Essays Presented to
J. D. Mac Isaac, "The Location of the Republican Mint of Rome and the Topography of
the Arx of the Capitolium (Diss. J. H. Hopkins Univ. 1963).
R. MacMullen, Soldier and Citizen in the Later Roman Empire (Cambridge, MA
1963).
G. Maetzke, "Notizze sulla esplorazione dello scavo della fornaia di CN.
D. Manacorda, "The Ager Cosanus and the Production of the Amphorae of Sesius:
D. Manacorda, "L'Ager Cosanus tra tarda Repubblica e Impero: forme di produzione
D. Manacorda, "Produzione agricola, produzione ceramica e proprietari nell'Ager
D. Manacorda, "Schiaivo 'manager' e anfore romane: a proposito dei rapporti tra
D. Manacorda, "Le anfore dell'Italia repubblicana: aspetti economici e sociali," in
Amphorae romane et histoire economique (Rome 1989) 443-57.
D. Manacorda, "Produzione agricola, produzione ceramica e proprietà nella
Calabria romana tarda-repubblicana: L'epigrafia delle anfore," in Epigraphia
della produzione e della distribuzione. VII rencontre de l'Ecole Francaise de
D. Manacorda, "Appunti sulla bullatura in età romana," in W. V. Harris (eds.),
D. Manacorda - C. Panella, "Anfore," in W. V. Harris (eds.), The Inscribed Economy
(1993) 55-64.
A. Manodori, Anfiteatri, circhi e stadi di Roma (Rome 1982).
R. Marchal, "Quelques graffites inédits de la Graufesenque (Aveyron)," CRAI
(1971) 180-212.
and 266-99.
R. Marchal, "Nouvelles fouilles et nouveaux graffites de la Graufesenque," CRAI
(1981) 244-72.
F. Marino, "Appunti sulla falsificazione del marito nel diritto romano," ZRG
103 (1980) 717-75.
E. Marotti, "The silvers and the Villa-system in ancient Italy," Giornale 1 (1976)
E. Marotti, "Die Rolle der freien Arbeitskraft in der Villa-Wirtschaft im Zeitalter


F. de Martino, *Diritto privato e società romana* (Rome 1982).


P.W. de Neeve, *Colonies. Private Farm-tenancy in Roman Italy during the Republic and the Early Empire* (Amsterdam 1984).


H. Niederländer, *Die Berechnungshaf tung im klassischen Recht* (Bühlau 1933).


P. Panza, La levrae roman e della Valcamonica (Brescia 1994).
M.C. Parra, "La fornace di Savignano sul Panaro, in Messanie la terra: centurazione e coloni nel mondo romano. Il caso modenese (Modena 1983) 103-08.
L. Peppe, Studi sull'esecuzione personale I (Milan 1981).
H.G. Pfau, Une inscription bilingue de Kos et la perception de la sicéenne hereditatium, ZPE 7 (1971) 64-68.
G. Prachner, Die Sklaven und Freigelassenen im armenischen Sigillattagezeuge (Wiesbaden 1980).
D.W. Ralnhoue, The Development of Agriculture in the Agro Causian during the
P. Remarx, D'aphorismus inscriptionibus Latinis quationes selectae (Diss. Bonn 1912).
F.M. de Robertis, "I lavoratori liberi nelle famiglie aziendali romane," SDHI 24 (1958) 269-78.
F.M. de Robertis, Lavoro e lavoratori nel mondo romano (Bari 1963).
J. Rougé, Recherches sur l'organisation du commerce maritime en Méditerranée sous l'Empire romain (Paris 1966) (= ROCMERM)
P. Sabbatini, Tumulesi, Epigraphia anforiatrica dell'occidente romano (Rome 1988).
H.-C. Schneider, Alturturnskae und Forschung (Darmstadt 1982).
H.-H. Seiler, Der Tatbestand der negotiorum gestio im römischen Recht (Cologne/Bühlau 1968).
F. Serrao, Enciclopedia del diritto 21 (Milan 1971) 827-34, s.v. insidiari.
F. Setalú, Private dominii in Roman Greek Stamps of the Empire (Helsinki 1977).
A.N. Sherwin-White, Roman Foreign Policy in the East (168 B.C. to A.D. 1) (Norman, OK 1964).


S.E. Wunnen, *Contractus. Sein Wortgebrauch und Willensgehalt im klassischen römischen Recht* (Cologne/Graz 1964).


APPENDIX

PROSOPOGRAPHY: BUSINESS MANAGERS IN LATIN INSCRIPTIONS

The following list of inscriptions is divided into three groups: the first group includes all institores (A) recorded in Italy and throughout the Empire, i.e. one instance in Noricum and another one in Macedonia; the second group includes all vilici (B), vilicae (B'), and subvilici (B*) recorded in Italy and Sicily; the third group includes all actores (C), actrices (C', one instance), and former actores (C*, ex actore) recorded in Italy and Sicily.

First column: Each entry is given a reference number (A1-A5; B1-B201, B*202-B*206, B*207-B*210; C1-C151, C'152, C*153-C*156).

Second column: References to standard collections are arranged in the following order: Corpus inscriptionum latinarum (CIL I², V, V Suppl., VI, IX, X, XI, XIV, XV); l'année épigraphique (AE, chronological order); Notizie degli scavi di antichità (Not.Scav.); Ephe meris epigraphica (Eph.Ep.); other publications. Corresponding references to H. Dessau's Inscriptiones latinae selectae (ILS), to A. Degras's Inscriptiones latinae liberae rerum publicae (ILLRP), and to the Inscriptiones Itiaiae (Inscr. It.) are provided when available. Within the first group, Italian institores (CIL VI, IX, and XI) are listed before provincial institores (CIL III). The place of origin is recorded by its Latin name (when known) followed by the Augustan region to which it belonged (I-XIV, Rome, Vetus Latium, Alpes Cottiae, Alpes Maritmae, Sicily).

Third column: Name of business manager, which sometimes permits us to determine his/her legal status (free(d) or slave; private, public, imperial servant; cf. sixth column).

Fourth column: Name of principal and other information concerning his/her social or economic position. Famous characters in this column are instrumental in dating inscriptions.

Fifth column: Occupation of business manager, determined on the basis of the text of the inscription or, sometimes, on the basis of its archaeological context (baths, quarries, fistula stamps, tile stamps, etc.). Lack of specification may suggest that a vilicus was attached to an agricultural estate, and that an actus was supervising the production of several estates, but other occupations are not ruled out.

Sixth column: Legal status (S. = servus [= slave]; V. = verna [homebred slave or freedman]; vicarius/vicaria [slave belonging to the peculum of another slave]; L. = libertus/libertinus/liber [freedman-freedwoman/freedborn]; P. = public servant; I. = imperial servant) and marital status (M. = married) followed by the legal status of the spouse. Even though it is likely that most business managers were slaves, a mere servile cognomen is no proof of servile status, as it can apply to freedmen or even freeborn as well.

Seventh column: Age of business manager. I did not try to speculate the age on the basis of the length of tenure or of marriage, since the time of their inception is never specified.

Eighth column: Date of inscription. Dates based on stylistic or palaeographic evidence are left out. Most of the dates rest on consular dating or on the mention of otherwise known characters (especially when principals belong to the senatorial order).

1 It is sometimes difficult to distinguish a former actus (ex actore) from a comptroller (exactor). Cf. E. de Ruggiero, Diss. Epigr. 2 (1912) 2176-78, s.v. exactor; and G. Bouvier, Esclaves et affranchis impériaux sous le Haut-Empire romain. Rôle politique et administratif (Naples 1970) 38, n. 153, 194, n. 653; and 222, n. 113.

2 Very few inscriptions recording institores, vilici, or actores can be checked on the basis of published photographs. While in Rome, I planned to visit a few archaeological sites to see the relevant stones, but I was unable to secure permission to do so.
### A. Instiliones (Italy and Provinces)

<table>
<thead>
<tr>
<th>No.</th>
<th>Reference/Origin</th>
<th>Name of business manager</th>
<th>Name of principal</th>
<th>Occupation</th>
<th>Status</th>
<th>Age</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1</td>
<td>CIL VI 10007</td>
<td>Faustus</td>
<td>(One of the) Polpilii?</td>
<td>unguentarius</td>
<td>?</td>
<td>?</td>
<td>I?</td>
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<tr>
<td></td>
<td>( = ILS 7608), Rome</td>
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<tr>
<td>A2</td>
<td>CIL IX 3027</td>
<td>Dionysius</td>
<td>Gn. Mamilius Primus</td>
<td>sutor/caligarius</td>
<td>?</td>
<td>?</td>
<td>?</td>
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<tr>
<td></td>
<td>( = ILS 7546), Teate Marcucinorum (IV)</td>
<td></td>
<td>or Q. Avidius Bassus</td>
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<tr>
<td>A3</td>
<td>CIL XI 1621</td>
<td>Adiaceus</td>
<td>Sex. Avidius Eutychus</td>
<td>sepsilarius</td>
<td>S.?</td>
<td>?</td>
<td>?</td>
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<tr>
<td></td>
<td>( = ILS 7607), Florentia (VII)</td>
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<td>A4</td>
<td>CIL III 13223, Tufa/Noricum</td>
<td>Tatton</td>
<td>Mocianus?</td>
<td>balneator?</td>
<td>?</td>
<td>15</td>
<td>?</td>
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<tr>
<td>A5</td>
<td>CIL III 14206, no. 21</td>
<td>Vitalis</td>
<td>C. La(e?)[ius] Faustus</td>
<td>tabernarius</td>
<td>S.V.?</td>
<td>16</td>
<td>?</td>
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<tr>
<td></td>
<td>( = ILS 7479 – AE 1898, no. 148), Kastorakavak/Macedonia</td>
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### B. Viti (Italy and Sicily)

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<th>No.</th>
<th>Reference/Origin</th>
<th>Name of business manager</th>
<th>Name of principal</th>
<th>Occupation</th>
<th>Status</th>
<th>Age</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>B1</td>
<td>CIL V 706, Ager Tergestinus (X) Aquilinus</td>
<td>Felix</td>
<td>AVGVSTI</td>
<td>?</td>
<td>?/M (L.L.)</td>
<td>?</td>
<td>II/III</td>
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<td></td>
<td>colonia Aquileiensiun</td>
<td>v. summarum</td>
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<td>B2</td>
<td>CIL V 737, ( = ILS 869), Belgina/Aquileia (X)</td>
<td>Velox</td>
<td>Ti. Claudius Macro, conductor</td>
<td>metallarius/ferrarius?</td>
<td>S.?</td>
<td>?</td>
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<td>p(roto) i(publici)</td>
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<tr>
<td>B3</td>
<td>CIL V 810, Aquileia (X)</td>
<td>Syntrophus</td>
<td>C. A(?)(?) R(?), (conductor)</td>
<td>v. vecigalis?</td>
<td>?</td>
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<td>B4</td>
<td>CIL V 820, Aquileia (X)</td>
<td>Respectus</td>
<td>T. Statilius Taurus Siensena</td>
<td>v. vecigalis (v. statio ionica)</td>
<td>S.?</td>
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<td>B5</td>
<td>CIL V 878, Aquileia (X)</td>
<td></td>
<td>T. Iulius Perenas, (conductor)</td>
<td>v. vecigalis (v. statio ionica)</td>
<td>S.?</td>
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<td>B6</td>
<td>CIL V 1854</td>
<td>Mercurius</td>
<td>AVGVSTVS (Postor)</td>
<td>v. vecigalis (statio portorii)</td>
<td>P.S./P</td>
<td>?</td>
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<td>( = AE 1756, no. 262), Iulium Carnicium (X)</td>
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<td>B7</td>
<td>CIL V 2903, Patavinum (X)</td>
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<td>municipality Patavinorum</td>
<td>v. aerarii</td>
<td>P.?/P</td>
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<td>colonia Brixianorum</td>
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<td>B8</td>
<td>CIL V 4503, Brixia (X)</td>
<td></td>
<td>v. aerarii</td>
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<td>P.S./P</td>
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<td>or [a]r(a)rius</td>
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<td>B9</td>
<td>CIL V 4507, Brixia (X)</td>
<td></td>
<td>AVGVSTVS (Postor)</td>
<td>v. aerarii</td>
<td>P.S./P</td>
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<td>B10</td>
<td>CIL V 5081, Mercurialis</td>
<td></td>
<td>v. aerarii</td>
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<td>P.S./P</td>
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<td>( = ILS 3160), Isaback Valley (X)</td>
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<td>B12</td>
<td>CIL V 5558, Lacus Verbanus (XI)</td>
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<td>Busolus</td>
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<td>Name of principal</td>
<td>Occupation</td>
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<td>B14</td>
<td>CIL V 5838, Mediolanum (XI)</td>
<td>Epitynchanus</td>
<td>M. M(?) (=? municipium Mediolanenum)</td>
<td>v. ar(arius)</td>
<td>P.S.?</td>
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<td>B17</td>
<td>CIL V 7264, Segugio (Alpes Cottiae)</td>
<td>Nerius</td>
<td>Satrius (or socii XL Galliarum?)</td>
<td>v. vectigalis (v. summarum)</td>
<td>?</td>
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<tr>
<td>B20</td>
<td>CIL V 7852</td>
<td>Flaminialis</td>
<td>M. Tarquinius Memore, con- ductor XL Galliarum</td>
<td>v. vectigalis (v. stationis Pedemanae)</td>
<td>S./M (?)</td>
<td>?</td>
<td>?</td>
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<tr>
<td>B21</td>
<td>CIL V 8850 - 84*, Glemora (X)</td>
<td>Onesimus</td>
<td>?</td>
<td>v. vectigalis (Illyrici)</td>
<td>S.?/M (?)</td>
<td>?</td>
<td>?</td>
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<tr>
<td>B22</td>
<td>CIL V Suppl. 166, Aquileia (X)</td>
<td>Acarius</td>
<td>(colonia Aquileiensium?)</td>
<td>?</td>
<td>P.S.?</td>
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<td>B23</td>
<td>CIL VI 56</td>
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<td>B25</td>
<td>CIL VI 276, Rome/paeda/s Pedeceana</td>
<td>Daphnis</td>
<td>TITVS</td>
<td>agricola</td>
<td>I.S.?</td>
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<td>B27</td>
<td>CIL VI 532</td>
<td>Hermes</td>
<td>AVGYSTVS</td>
<td>agricola?</td>
<td>I.L.?</td>
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<tr>
<td>B29</td>
<td>CIL VI 615, Rome</td>
<td>Higinus</td>
<td>P. Quintius Zosimus or Cn. Turpilius Cn. f. Geminus</td>
<td>?</td>
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<td>B32</td>
<td>CIL VI 623</td>
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<td>B34</td>
<td>CIL VI 664, Rome</td>
<td>(?)us</td>
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<td>CIL VI 718</td>
<td>Alcimus</td>
<td>Ti. Iulius Aquilinus Caecilius Saturninus Claudius Livianus (cf. AE 1924, no. 15)</td>
<td>?</td>
<td>II</td>
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<td>CIL VI 745, Rome/paeda/s Marciana</td>
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<td>B43</td>
<td>CIL VI 774 + 842</td>
<td>Fuscus</td>
<td>AVG. NOSTRI</td>
<td>?</td>
<td>I.V.?</td>
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<td>Primus</td>
<td>?</td>
<td>v. vectigalis</td>
<td>?</td>
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<td>B45</td>
<td>CIL VI 2347 + 4431</td>
<td>Hymnus Aurelianus</td>
<td>(one of the Marcelli or the emperor)</td>
<td>bibliothecarius (b. Latina)</td>
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<td>CIL VI 4226</td>
<td>Calamus Pamphilianus Ti. Claudius Caesar Augustus Germanicus (CLAVIDIVS or NERO)</td>
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<td>horrearius (horrea Lolliana)</td>
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<td>Flavius (?) Isidorus</td>
<td>AVG. (one of the Flavians?) (one of the Gabii?)</td>
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<td>I.L.?</td>
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<td>Sabbio</td>
<td>aquarius (aqua Claudia)</td>
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<td>Sporus</td>
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<td>CIL VI 8996 + 33729, Rome/Via Labicana</td>
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<td>M. Aurelius</td>
<td>AVG.</td>
<td>atriensis? (v. domus Aug.)</td>
<td>I.L./M (L.)</td>
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<td>TIBERIVS?</td>
<td>atriensis? v. domus Tib.</td>
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<td>[A]VG.</td>
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<td>agricola? (v. a Tritones, perhaps the name of a villa)</td>
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<td>[Eutyc]hes</td>
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<td>CIL VI 8759, Rome</td>
<td>Atticus</td>
<td>[Epaphroditus Aug. L. a culbiculo]</td>
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<td>?/M (L.)</td>
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<td>CIL VI 9005</td>
<td>Coetus Herodianus</td>
<td>AVGVSTVS</td>
<td>agricola/topiarius (v. in hortis Sallustianis)</td>
<td>I.?</td>
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<td>B65</td>
<td>CIL VI 9089 = 33761</td>
<td>P. Aelius Barbarus</td>
<td>AVGVSTI (probably M. AVERELIVS and L. VERVS)</td>
<td>agricola?</td>
<td>I.L.?</td>
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<td>CIL VI 9102, etc.</td>
<td>Oboedus</td>
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<td>CIL VI 9472</td>
<td>Cladius</td>
<td>Messala</td>
<td>agricola/topiarius(v. supra hortor) insularius?(in M[ercurio] sobrio)</td>
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<td>B70</td>
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<td>CIL VI 9983, Rome or perhaps from Peasurum (VI)</td>
<td>Archelauus</td>
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<td>CIL VI 9986 = CIL XI 4422</td>
<td>Martialis</td>
<td>T. Sextius (Magius?) Lateranus (cos. 94)</td>
<td>?/M (?)</td>
<td>?</td>
<td>I/II</td>
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<td>CIL VI 9989</td>
<td>Sabinius</td>
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<td>[?]ius</td>
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<td>T. Aetius Capito</td>
<td>quadrigrarius(v. familiae quadrigrarum)</td>
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<td>CIL VI 10153 (= ILS 3155), Rome/Via Latina (Columbarium of the Statii Tauri)</td>
<td>Hyacinthus (Statii Tauri)</td>
<td>ab amphitheatro</td>
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<td>CIL VI 13328, Rome/Via Latina</td>
<td>Numida Medaurianus AVG(ustus) N(oester) (from colonia Theverse)</td>
<td>?</td>
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<td>Zmaragdus</td>
<td>CAESAR AVG(ustus)</td>
<td>horrearius(v. horreorum Galbancorum)</td>
<td>I.S.?/M (? )</td>
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<td>CIL VI 30993 (= ILS 4543), Rome/Portuensis</td>
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<td>Onesimus (perhaps the same character as in CIL VI 36823)</td>
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<td>CIL VI 32461 ( = Eph.Ep. IV 972), Rome or Putoli (I)</td>
<td>(?)ius</td>
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<td>agricola?aeditus?(his wife was a servitio of the Bona Dea)</td>
<td>?/M (?)</td>
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<td>CIL VI 33400, Rome (Colombarium Livineum)</td>
<td>Blastos</td>
<td>(L.? Livineus Regulus (IIIvir/IVvir monetalis ca. 42 B.C.)</td>
<td>officinator monetalis?</td>
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<td>CIL VI 33753 (= ILS 1611), Rome/Viae Salaria and Pinciana</td>
<td>Euporus</td>
<td>CAESAR</td>
<td>aquarius</td>
<td>I.S./M (?)</td>
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<td>CIL VI 36786 (= AE 1912, no. 36), Rome/Montic Testaccio</td>
<td>Cocceius</td>
<td>A. Atinius Phosphorus?</td>
<td>horreaeus</td>
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<td>CIL VI 36786, etc.</td>
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<td>Pyramus</td>
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<td>CIL VI 37175 (= ILS 9029 = AE 1910, no. 114), Rome/Via Flaminia</td>
<td>Callimachus</td>
<td>(Populus Romanus?)</td>
<td>agricola/atriciae? (v. saecutorum oper(arum) publ(carum) agr(ariarum))</td>
<td>P.S./?</td>
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<tr>
<td>B101</td>
<td>CIL VI 37827, Rome/Via Ostiensis</td>
<td>Phorinucus</td>
<td>?</td>
<td>?</td>
<td>?/M (L.)</td>
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<td>B102</td>
<td>CIL VI 37828, Rome</td>
<td>Priacus</td>
<td>CAESAR</td>
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<td>I.S./M (?)</td>
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<td>B104</td>
<td>CIL IX 59, Brundisium (I)</td>
<td>Maximus</td>
<td>(colonia Brundinorum?)</td>
<td>?</td>
<td>P.S./M (L.)</td>
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<td>B105</td>
<td>CIL IX 163, Brundisium (II)</td>
<td>Phebus</td>
<td>G. Essellianus Pudex?</td>
<td>?</td>
<td>S./?</td>
<td>18</td>
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<td>B106</td>
<td>CIL IX 472, Verona (I)</td>
<td>Pyramus</td>
<td>(colonia Venustiensem?)</td>
<td>?</td>
<td>P.S./?</td>
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<td>B108</td>
<td>CIL IX 1456</td>
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<td>S./?</td>
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<td>B109</td>
<td>CIL IX 2484, Saepinum (IV)</td>
<td>Constant</td>
<td>Nerati</td>
<td>?</td>
<td>?/M (?)</td>
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<td>B110</td>
<td>CIL IX 2485, Saepinum (IV)</td>
<td>Primigenius</td>
<td>Neratius Proculus</td>
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<td>S./M (S.)</td>
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<td>B111</td>
<td>CIL IX 2829, near Uscoetium (IV)</td>
<td>Stepeanus</td>
<td>?</td>
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<td>CIL IX 3028 (= ILS 7867), Trete Marcinusorium (IV)</td>
<td>Hippocrates</td>
<td>Plautius</td>
<td>agricola (v. familiae rusticae)</td>
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<td>B113</td>
<td>CIL IX 3056, Interpromium (IV)</td>
<td>Firmus</td>
<td>(L.? Varius Ambilius (cos. anno incepto))</td>
<td>?</td>
<td>?/M (?)</td>
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<td>B114</td>
<td>CIL IX 3103, Sulmo (IV)</td>
<td>Phota</td>
<td>Cervia Psyche</td>
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<td>B115</td>
<td>CIL IX 3416, Petulimum (IV)</td>
<td>Daphnis (sic)</td>
<td>Vibulana Quantilla and Aponia Terrula</td>
<td>?</td>
<td>S./M? (S.)</td>
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<td>B117</td>
<td>CIL IX 3571, Pagus Ficulcanus (IV)</td>
<td>Festus (possibly the same character as the actor in CIL IX 3579)</td>
<td>(T.) Catius (Caesus) Fronto (suff. cos. 96)</td>
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<td>CIL IX 3617, Avela (IV)</td>
<td>Glaucus</td>
<td>Nepos</td>
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<td>B119</td>
<td>CIL IX 3651, Cerfennia (IV)</td>
<td>Felix</td>
<td>?</td>
<td>agricola? (v. et familia de fundo Favilli[eniano])</td>
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<td>B120</td>
<td>CIL IX 3701, Macrovius (IV)</td>
<td>Petenses</td>
<td>(one of the Carnerioi?)</td>
<td>?</td>
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<td>CIL IX 3908, Alba Fucens (IV)</td>
<td>[Er]os?</td>
<td>?</td>
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<td>B122</td>
<td>CIL IX 4053 = I 1825 ( = ILLRP 1957), Caracolae (IV) or Tiber</td>
<td>Philargyra</td>
<td>Corrius</td>
<td>?</td>
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<td>B123</td>
<td>CIL IX 4564, Agiius Catilae (IV)</td>
<td>Cinura</td>
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<td>B124</td>
<td>CIL IX 4681 ( = ILS 1855), Reate (IV)</td>
<td>Hyginius</td>
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<td>v. vectigalis (vicesima libertatis)</td>
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<td>B125</td>
<td>CIL IX 4877, Trebula Mutuesca (IV)</td>
<td>Probus</td>
<td>Flavius Sabinus?</td>
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<td>B126</td>
<td>CIL IX 5460, Balero (V)</td>
<td>Apollo</td>
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<td>B127</td>
<td>CIL IX 5561, Putolo (I)</td>
<td>Diogenes</td>
<td>CAESAR</td>
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<td>B128</td>
<td>CIL IX 749 ( = ILS 6337), Putolo (I)</td>
<td>Demetrius</td>
<td>Herodes Aphroditi f. Ascalonita (from Ascalon in Cote Syria)?</td>
<td>?</td>
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<td>B129</td>
<td>CIL IX 1749, Putolo (I)</td>
<td>Hermione</td>
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<td>I.S./M (I)?</td>
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<td>B130</td>
<td>CIL IX 1750 ( = ILS 3638), Baliac (I)</td>
<td>Mystes</td>
<td>CAESAR</td>
<td>?</td>
<td>I.S.?/M (I.L.)</td>
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<tr>
<td>B131</td>
<td>CIL IX 1751, Putolo/Baliac (I)</td>
<td>Martialis Epaphraces</td>
<td>CAESAR socii Sisap[en]enses</td>
<td>?</td>
<td>v. vectigalis (metalli)</td>
<td>S./M (S.)</td>
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<td>B132</td>
<td>CIL IX 3964 ( = ILS 1857), Capua (I)</td>
<td>Eutychus</td>
<td>?</td>
<td>plumbarius/monetalis?</td>
<td>?</td>
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<td>B134</td>
<td>CIL IX 4917 ( = Ante VI 2.2 = Carm. Epigr. 468, no. 1015), Venafrum (I)</td>
<td>C. Obinius C.I. Epicina- dus</td>
<td>Agricola?</td>
<td>?</td>
<td>L./M (L.), perhaps not before retirement</td>
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<td>B135</td>
<td>CIL IX 5081 ( = ILS 7372), Atina (I)</td>
<td>(?) Jesus</td>
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<td>CIL IX 6837, etc.</td>
<td>Gallicanus</td>
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<td>agricola (v. Afinianis praedii)</td>
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<td>CIL IX 7041 ( = ILS 7371), Catania (Sicily)</td>
<td>Secundus</td>
<td>(procurator XX hereditatium)</td>
<td>?</td>
<td>v. vectigalis (v. summum marum XX hereditatium)</td>
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<td>B139</td>
<td>CIL IX 7347 ( = ILS 1559), Thermae Himeriacae (Sicily)</td>
<td>Urosus</td>
<td>Diana Tifatina?</td>
<td>?</td>
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<td>B141</td>
<td>CIL XI 725, Bononia (VIII) (fistula stamp)</td>
<td>Acitus</td>
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<td>B142</td>
<td>CIL XI 731, Bononia (VIII) (fistula stamp)</td>
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<td>B148</td>
<td>CIL XI 1231 ( = ILS 6673), Placentia (VIII)</td>
<td>Onesimus</td>
<td>colonia Placentinorum</td>
<td>macellarius</td>
<td>P.S./M (L.)</td>
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<td>B149</td>
<td>CIL XI 1320, Luna (VII)</td>
<td>Aithales</td>
<td>Florus</td>
<td>officinae?</td>
<td>S.?</td>
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<td>B151</td>
<td>CIL XI 1356 ( = ILS 7228), Luna (VII)</td>
<td>Hilario</td>
<td>?</td>
<td>marmorarius (found in the marble quarries at Carrara)</td>
<td>?</td>
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<td>B152</td>
<td>CIL XI 1751, Volaterrae (VII) - CIL XI 2916 - CIL XIV 2420</td>
<td>Urbicus</td>
<td>colonia Volaterranae</td>
<td>?</td>
<td>P.S.?</td>
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<td>B154</td>
<td>CIL XI 4422 = VI 9986, Ameria Glaphyrus (VI)</td>
<td>?</td>
<td>?</td>
<td>S./M? (S.)</td>
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<td>B155</td>
<td>CIL XI 5032, Mevania (VI)</td>
<td>Apulus</td>
<td>?</td>
<td>v. vectigallis (v. vicesimae libertatis)</td>
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<td>B156</td>
<td>CIL XI 6673, Urvinum Mataurense (VI)</td>
<td>Verecundus</td>
<td>Urbinates</td>
<td>v. ab alimenitis</td>
<td>P.S.?</td>
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<td>B157</td>
<td>CIL XI 6947, Luna (VII)</td>
<td>Hermes</td>
<td>Baebius Nymphodotus</td>
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<td>B158</td>
<td>CIL XIV 196 ( = ILS 1590), Ostia (I = Vetus Latium)</td>
<td>Alcimus</td>
<td>?</td>
<td>bibliothecarius (v. a bibliotheca Marcia)</td>
<td>I.?/?</td>
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<td>B159</td>
<td>CIL XIV 198, Ostia (I = Vetus Latium)</td>
<td>Ianarius</td>
<td>CAESAR</td>
<td>?</td>
<td>I.S.V./M (L.)</td>
<td>69.?</td>
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<td>B160</td>
<td>CIL XIV 199 ( = ILS 1582), Ostia (I = Vetus Latium)</td>
<td>T. Flavius Olympicus</td>
<td>?</td>
<td>atrienis? (v. de praetorio)</td>
<td>I.?/L./M (L.)</td>
<td>69.?</td>
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<td>B162</td>
<td>CIL XIV 2420, Bovillae (I = Vetus Latium)</td>
<td>Chrysos Drusianus</td>
<td>Ti. CAESAR?</td>
<td>?</td>
<td>I.S.?/M (L.)</td>
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<td>B165</td>
<td>CIL XIV 4471, Ostia (I = Vetus Latium)</td>
<td>Maximianus</td>
<td>SEPTIMVS SEVERVS + CARACALLA (through Caesius, imperial procurator)</td>
<td>?</td>
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<td>CIL XIV 4570 ( = AE 1922, no. 93), Ostia (I = Vetus Latium)</td>
<td>Maximianus</td>
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| B167 | AE 1906, no. 100  
   (= *Inscr*. It. X.1 592a-b),  
   Pola/Histria (X) | Anconius | ? | agricola? | ? | ? |
| B168 | AE 1923, no. 69, Rome/Via Portuensis | Butesseror? | ? | ? | 9/M (L.) | ? |
| B169 | AE 1924, no. 15, Rome? | Hierus | Ti. Iulius Aquilinus Castricius Saturninus Claudius Livianus (Praefectus Praetorio under Hadrian, cf. CIL VI 718) | ? | ? |
| B170 | AE 1924, no. 15, etc. | Azylus | Ti. Iulius etc. Livianus | ? | ? |
| B171 | AE 1924, no. 105, Rome/Via Salaria | Martialis | ? | balneator? (thermae Neronianae) | ? |
| B172 | AE 1929, no. 155, Sorrentum (f) | Asicius | AVGVSTVS | ? | I.S.? | 31 |
| B173 | AE 1934, no. 234, Aquileia (X) | Eutyches | CARACALLA | v. vectigalis (illyric(i) praep(ositus) q(uinquer)tag(esimae) cellarius (v. cellae Civicioniae) | I.S.? | 211-217 |
| B174 | AE 1937, no. 61, Rome/Via del Porto di Ripagrande (Trastevere) | Chryses | L. Gliodius Iustus Egnatius Priscus | ? | ? |

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<td>AE 1939, no. 150, Ostia (L. Venus Latum)</td>
<td>Olympicus</td>
<td>Plato (dietarcha Caesaria)?</td>
<td>?</td>
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<td>AE 1946, no. 136, Verona (X)</td>
<td>Phocbus Veronensis(is)</td>
<td>(colonia Veronensium?)</td>
<td>plumbarius (v. plumbarium)</td>
<td>P.S.?</td>
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<td>B177</td>
<td>AE 1956, no. 292 = CIL V 1864</td>
<td>Arrius</td>
<td>(one of the emperors)</td>
<td>v. vectigalis (arkarias et v. XX hereditatium)</td>
<td>I.S.?</td>
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<td>B178</td>
<td>AE 1959, no. 300, Rome/Vatican</td>
<td>Saturninus</td>
<td>NERO CAESAR?</td>
<td>bibliothecarius (a bibliotheca Latina)</td>
<td>I.S.?/M (I.S.)</td>
<td>54-68</td>
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<td>AE 1961, no. 175, Trebbiano (IX)</td>
<td>Clarus et [H]ilarus</td>
<td>Petnia Posilia</td>
<td>?</td>
<td>?</td>
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<td>B181</td>
<td>AE 1968, no. 110a, Latina/Borgo Grappa (I)</td>
<td>Zosimus</td>
<td>?</td>
<td>?/M (L.)</td>
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<td>AE 1975, no. 202, Telesia (IV)</td>
<td>Bargazhes</td>
<td>socii (vicesimae libertatis)</td>
<td>v. vectigalis (v. vicesimae)</td>
<td>S/M? (L.)</td>
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<td>AE 1977, no. 87, Rome/Via Appia</td>
<td>Philocrates</td>
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<td>AE 1977, no. 146 = CIL VI 696</td>
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<td>AE 1978, no. 80, Funici/Latina (I)</td>
<td>Diodorus</td>
<td>Vipsanius</td>
<td>?</td>
<td>?/M (L.)</td>
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<td>AE 1987, no. 188, Rome</td>
<td>Flavius [?] Philotheon</td>
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<td>B191</td>
<td>AE 1989, no. 195, Brundisium (II)</td>
<td>?</td>
<td>?</td>
<td>?</td>
<td>120, or 70</td>
<td>?</td>
<td></td>
</tr>
<tr>
<td>B192</td>
<td>AE 1989, no. 209</td>
<td>Communi</td>
<td>C. Orfidius Benignus (local senator and general in Otho’s army, killed in 69)</td>
<td>?</td>
<td>?</td>
<td>ca. 69</td>
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<tbody>
<tr>
<td>B199</td>
<td>EPP Ep. IV 872 = CIL VI 32461</td>
<td>Abascantus</td>
<td>CAESAR N(oster)</td>
<td>?</td>
<td>I.S./M (?)</td>
<td>?</td>
<td>?</td>
</tr>
<tr>
<td>B200</td>
<td>MAAE 10 (1932) 73, Rome</td>
<td>Onesium</td>
<td>CAESAR N(oster)</td>
<td>balneator (v. balinci Caesidiani)</td>
<td>?</td>
<td>?</td>
<td>?</td>
</tr>
<tr>
<td>B201</td>
<td>R. Moi gga, Roman Ostia (Oxford 1973) 345, Ostia (I = Vetus Latium)</td>
<td>Agathon</td>
<td>CAESAR</td>
<td>saltuarius</td>
<td>I.S./?</td>
<td>?</td>
<td>?</td>
</tr>
</tbody>
</table>

B. *Vulcius (Italy)*

| B204 | CIL X 5081 ( = ILS 7372), Atina (I) | Trebia C.I. Aphrodisia C. Obinius | agricola? | L./M (L.), perhaps not before retirement | ? | S./? | ? | ? |

B. *Subtili (Italy)*


B. *Sabbie (Italy)*

| B207 | CIL VI 9991 ( = ILS 7374), Rome | Lupercus | ? | agricola/soiparius (horti Antoniani) | 1(?)/S./? | ? | ? |
**C. Asii (Italy and Sicily)**

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<tbody>
<tr>
<td>C1</td>
<td>CIL V 90, Pola (X)</td>
<td>Fortunatus</td>
<td>Iulius Fronto (cf. Tac., Hist. 1.20 and 2.26; Dig. 48.19.5)</td>
<td>?</td>
<td>?/M (?)</td>
<td>?</td>
<td>I</td>
</tr>
<tr>
<td>C4</td>
<td>CIL V 1979, Concordia (X)</td>
<td>Alexander</td>
<td>?</td>
<td>?</td>
<td>?/M (?)</td>
<td>?</td>
<td>?</td>
</tr>
<tr>
<td>C5</td>
<td>CIL V 5005 ( = ILS 5761), Tridentum /praedia Tubinlati(a) (X)</td>
<td>Druinus</td>
<td>M. Nov[nius] Arrius Macianus, agricola (a. praeinorum)</td>
<td>?</td>
<td>?</td>
<td>II/III</td>
<td></td>
</tr>
<tr>
<td>C6</td>
<td>CIL V 5048, Ausurgum (X)</td>
<td>Anthus</td>
<td>?, clarissimus vir, caes.?</td>
<td>?</td>
<td>?</td>
<td>?</td>
<td>?</td>
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<tr>
<td>C7</td>
<td>CIL V 5516, Comum (XI)</td>
<td>Tropheus</td>
<td>M.C. ( = private individual or municipium Comenses)</td>
<td>?</td>
<td>P.S.?</td>
<td>?</td>
<td>?</td>
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<tr>
<td>C8</td>
<td>CIL V 7473, Industria (IX)</td>
<td>[G][a][i]lus?</td>
<td>Destrius Iuba, clarissimus vir</td>
<td>?</td>
<td>S.</td>
<td>?</td>
<td>?</td>
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<tr>
<td>C9</td>
<td>CIL V 8116, Verona (X)</td>
<td>Onesimus</td>
<td>L.N.V.</td>
<td>?</td>
<td>?</td>
<td>?</td>
<td>?</td>
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<tr>
<td>C10</td>
<td>CIL V 9237, Aquileia (X)</td>
<td>Domitius Zosimus</td>
<td>Domitius Terentianus</td>
<td>a. in rationibus</td>
<td>L.</td>
<td>?</td>
<td>244</td>
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<tr>
<td>C11</td>
<td>CIL V Suppl. 239, Aquileia (X)</td>
<td>Processus</td>
<td>?</td>
<td>?</td>
<td>?</td>
<td>?</td>
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<tr>
<td>C12</td>
<td>CIL VI 41, Rome</td>
<td>Crescens</td>
<td>Domitia Lucia</td>
<td>?</td>
<td>?</td>
<td>?</td>
<td>II</td>
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<tr>
<td>C13</td>
<td>CIL VI 272, Rome</td>
<td>Aristides</td>
<td>Mamnia Laetila C.f.</td>
<td>?</td>
<td>S.</td>
<td>?</td>
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<tr>
<td>C17</td>
<td>CIL VI 365 + 366</td>
<td>Paexon</td>
<td>Aquillia Bassilla</td>
<td>?</td>
<td>?/M (?)</td>
<td>?</td>
<td>?</td>
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<tr>
<td></td>
<td>(= ILS 4321 + 4321a), Rome</td>
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<tr>
<td></td>
<td>CIL VI 365 + 365</td>
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<tr>
<td></td>
<td>CIL VI 585 = CIL XI 3732</td>
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<tr>
<td>C18</td>
<td>CIL VI 669, Rome</td>
<td>?</td>
<td>AVGSTVS</td>
<td>?</td>
<td>I.S./?</td>
<td>?</td>
<td>?</td>
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<tr>
<td>C19</td>
<td>CIL VI 671 = 30808 - 36751</td>
<td>Eutyches</td>
<td>ANTONINUS PIVS FELIX AVGSTVS</td>
<td>agricola/topiarius? (hoesti Aramani)</td>
<td>I.S./?</td>
<td>?</td>
<td>III</td>
</tr>
<tr>
<td></td>
<td>(= ILS 3543), Rome</td>
<td></td>
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<tr>
<td>C21</td>
<td>CIL VI 721 = 30820</td>
<td>Aitemus</td>
<td>AVGSTIN(s) ostris</td>
<td>agricola</td>
<td>I.S./?</td>
<td>?</td>
<td>I/III</td>
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<tr>
<td></td>
<td>(= ILS 1615), Rome/praeda</td>
<td></td>
<td></td>
<td></td>
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<td>2</td>
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<tr>
<td></td>
<td>Romanianana</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2</td>
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<tr>
<td>C22</td>
<td>CIL VI 1464, Rome</td>
<td>At[тал]icus</td>
<td>L. Munnius Felix Cornelius. (praetor kandidatus, XVvir sacrar facundis, tribunus plebs, quaestor kandidatus, sevri equitum Romanorum turmae secundae, XVvir titiibus iudicandis)</td>
<td>S.?</td>
<td>?</td>
<td>?</td>
<td></td>
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<tr>
<td>C24</td>
<td>CIL VI 3714 = 31007, Rome</td>
<td>Crescentianus</td>
<td>Orfitus</td>
<td>?</td>
<td>?</td>
<td>?</td>
<td>?</td>
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<tr>
<td>C25</td>
<td>CIL VI 3728 = 31046, Rome</td>
<td>(?) (but more than one)</td>
<td>Praeceptor Urbani (in charge of the forum urbi)</td>
<td>a. de foro suario?</td>
<td>?</td>
<td>?</td>
<td>?</td>
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<tr>
<td>C26</td>
<td>CIL VI 6995, Rome/Via Latina</td>
<td>Prosodus</td>
<td>Tr. Claudius Paris</td>
<td>?</td>
<td>?/M (?)</td>
<td>30</td>
<td>?</td>
</tr>
<tr>
<td></td>
<td>(Columbarium)</td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>C27</td>
<td>CIL VI 7284a, Rome</td>
<td>Verec[un]dus</td>
<td>the Volusius Saturninus</td>
<td>?</td>
<td>?/M (L.)</td>
<td>1</td>
<td></td>
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<tr>
<td></td>
<td>Monumentum Volusiorum</td>
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<tbody>
<tr>
<td>C28</td>
<td>CIL VI 7367, Rome/Monumentum Volusiorum</td>
<td>Primus Rhodismianus</td>
<td>Q.N.? (rather, one of the Volusi)</td>
<td>?</td>
<td>?/M (?)</td>
<td>?</td>
<td>1</td>
</tr>
<tr>
<td>C29</td>
<td>CIL VI 8591 (= ILS 1564), Rome</td>
<td>Iucundus</td>
<td>AVGSTVS</td>
<td>a. vectigal(e) (XL Gallarum)</td>
<td>I.L./M (L.L.)</td>
<td>?</td>
<td>?</td>
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<tr>
<td>C30</td>
<td>CIL VI 8688, Rome</td>
<td>C. Iulius Bassus Aemilianus</td>
<td>CAESAR</td>
<td>a. patrimonii (ad Castorem et ad loricatum ad auctoritatem)</td>
<td>I.L.?</td>
<td>?</td>
<td>?</td>
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<tr>
<td>C31</td>
<td>CIL VI 8696, Rome</td>
<td>Antiochus</td>
<td>Plotina Augusta (Trajan's wife)</td>
<td>?</td>
<td>I.S.?</td>
<td>?</td>
<td>105-122</td>
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<tr>
<td>C32</td>
<td>CIL VI 8697, Rome</td>
<td>Calocaerus</td>
<td>AVGSTVS</td>
<td>?</td>
<td>I.S.?</td>
<td>?</td>
<td>?</td>
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<tr>
<td>C33</td>
<td>CIL VI 8850 (= ILS 1545), Rome</td>
<td>Nitor</td>
<td>Domitia Augusta (Dominianus's wife, died in 126)</td>
<td>a. a frumento</td>
<td>I.S./M (L.L.)</td>
<td>35</td>
<td>1-126</td>
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<tr>
<td>C36</td>
<td>CIL VI 9110, Rome</td>
<td>Atticus</td>
<td>P. Marus</td>
<td>?</td>
<td>?/M (L.)</td>
<td>?</td>
<td>?</td>
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<tr>
<td>C38</td>
<td>CIL VI 9112, Rome/near Monte Testaccio</td>
<td>Efficeus</td>
<td>Iulii Iustus et Secundus</td>
<td>?</td>
<td>S.?</td>
<td>?</td>
<td>?</td>
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<tr>
<td>C39</td>
<td>CIL VI 9113, Rome/outside Porta Collinae</td>
<td>Eunus</td>
<td>Caecrius Silvanus</td>
<td>?</td>
<td>?/M (?)</td>
<td>?</td>
<td>?</td>
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<tr>
<td>C40</td>
<td>CIL VI 9114 (= ILS 7377), Rome</td>
<td>Felix</td>
<td>M. Salvius Otbo (emperor in 69, or his ancestor?)</td>
<td>?</td>
<td>S./M (S.)</td>
<td>60</td>
<td>69</td>
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<tr>
<td>C41</td>
<td>CIL VI 9115, Rome</td>
<td>Fructuosus</td>
<td>the Paebii (?)</td>
<td>?</td>
<td>?/M (?)</td>
<td>?</td>
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<td>C42</td>
<td>CIL VI 9116, Rome</td>
<td>Hector</td>
<td>Suellius Onesium? (— the recipient of the dedication)</td>
<td>?</td>
<td>?</td>
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<tr>
<td>C43</td>
<td>CIL VI 9117, Rome</td>
<td>Heliades</td>
<td>T. Flavius Chrysereos? (— the recipient of the dedication)</td>
<td>?</td>
<td>?</td>
<td>?</td>
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<td>C44</td>
<td>CIL VI 9118, Rome</td>
<td>Hermes</td>
<td>Cocceia Bassa</td>
<td>?</td>
<td>S/M (L.)</td>
<td>?</td>
<td>?</td>
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<td>C45</td>
<td>CIL VI 9120, Rome</td>
<td>Lusanes</td>
<td>Aurelius Apollonius</td>
<td>?</td>
<td>?</td>
<td>?</td>
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<td>C46</td>
<td>CIL VI 9121, Rome</td>
<td>Phthonophorus</td>
<td></td>
<td>?</td>
<td>S/M (?)</td>
<td>?</td>
<td>?</td>
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<td>C48</td>
<td>CIL VI 9123, Rome</td>
<td>Successus</td>
<td>C. Marcianus Niecephorus</td>
<td>?</td>
<td>?</td>
<td>?</td>
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<tr>
<td>C49</td>
<td>CIL VI 9124, Rome or Verona (X)</td>
<td>Thallus</td>
<td>G. Selius Phaedrus</td>
<td>? (a. domo Veronae)</td>
<td>S.</td>
<td>25</td>
<td>?</td>
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<tr>
<td>C50</td>
<td>CIL VI 9125, Rome</td>
<td>Theagenes</td>
<td>Valeria Polla</td>
<td>? (the principal is known to have owned a tiley, cf. CIL XV 255)</td>
<td>?</td>
<td>M (?)</td>
<td>?</td>
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<tr>
<td>C52</td>
<td>CIL VI 9127, Rome</td>
<td>Tyrannus</td>
<td>(Valeria) Polla nostra</td>
<td>?</td>
<td>?</td>
<td>?</td>
<td>II</td>
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<tr>
<td>C54</td>
<td>CIL VI 9129, Rome</td>
<td>Pyrs[?] or Clemens</td>
<td></td>
<td>?</td>
<td>?</td>
<td>?</td>
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<tr>
<td>C55</td>
<td>CIL VI 9130</td>
<td>Flavianus</td>
<td>notarius et a.</td>
<td>S/M (L.)</td>
<td>?</td>
<td>?</td>
<td>?</td>
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<tr>
<td>C56</td>
<td>CIL VI 10229</td>
<td>Encolpius</td>
<td>L. Dasainius Tusci (Dig. 40.5.36 pr.)</td>
<td>?</td>
<td>?</td>
<td>108</td>
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<tr>
<td>C57</td>
<td>CIL VI 29712</td>
<td>Pergamus</td>
<td>Q. Petillius Felix (pr(aetor) et q(uis) (unl(ata))</td>
<td>L(aurentium) L(avinium))</td>
<td>?</td>
<td>?</td>
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<tr>
<td></td>
<td>(— ILS 6187), Rome</td>
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<td></td>
<td>?/M (L.)</td>
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<td></td>
<td>CIL VI 30808</td>
<td>= 671</td>
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<td>?</td>
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<td>?</td>
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<td></td>
<td>CIL VI 30820</td>
<td>= 721</td>
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<td></td>
<td>?</td>
<td>?</td>
<td>?</td>
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<td></td>
<td>CIL VI 30979</td>
<td>= 3709</td>
<td></td>
<td></td>
<td>?</td>
<td>?</td>
<td>?</td>
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<tr>
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<td>CIL VI 31007</td>
<td>= 3714</td>
<td></td>
<td></td>
<td>?</td>
<td>?</td>
<td>?</td>
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<tr>
<td></td>
<td>CIL VI 31046</td>
<td>= 3728</td>
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<td>C59</td>
<td>CIL VI 31716, Rome</td>
<td>Martialis</td>
<td>C. Iulius Camillus Galeri- sus Asper</td>
<td></td>
<td>?</td>
<td>?</td>
<td>?</td>
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<tr>
<td>C60</td>
<td>CIL VI 31807</td>
<td>Dioscures</td>
<td>r(ex publica) Calenorum (from Cales, in Umbria or Campania)</td>
<td></td>
<td>P.S.?</td>
<td>?</td>
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<td>(— Eph Ep. IV 834), Rome</td>
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<tr>
<td>C61</td>
<td>CIL VI 33823, Rome</td>
<td>Gattius</td>
<td>the Aurelius?</td>
<td>?</td>
<td>?</td>
<td>?</td>
<td>?</td>
</tr>
<tr>
<td>C62</td>
<td>CIL VI 33824, Rome</td>
<td>Callinus</td>
<td>L. Caecilius Ioviniius</td>
<td>?</td>
<td>?/M (?)</td>
<td>?</td>
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<tr>
<td>C63</td>
<td>CIL VI 33825, Rome</td>
<td>Niceros</td>
<td>Cleander</td>
<td>?</td>
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<td>C65</td>
<td>CIL VI 33827, Rome</td>
<td>[?]Istomia</td>
<td>?</td>
<td>?</td>
<td>S.?</td>
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<tr>
<td>C66</td>
<td>CIL VI 33828, Rome</td>
<td>Eros</td>
<td>M. Publicus Rufus (p(rimus) p(eius))?</td>
<td>p(rac)positus)?</td>
<td>?/M (?)</td>
<td>?</td>
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<td>C69</td>
<td>CIL IX 322, Caenea (II)</td>
<td>Rhodanus</td>
<td>Sal(lia?) Rec(epita)?</td>
<td>?</td>
<td>S.?</td>
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<tr>
<td>C70</td>
<td>CIL IX 425</td>
<td>S[agaris]</td>
<td>one of the Bruttii Praesentes</td>
<td>(the same actor is attested?)</td>
<td>?/II</td>
<td>?</td>
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<td>C71</td>
<td>CIL IX 473 = 476, Venusia (II)</td>
<td>?</td>
<td>one of the Bruttii Praesentes</td>
<td>?</td>
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<td>C74</td>
<td>CIL IX 2123</td>
<td>Polyimus</td>
<td>Umbrius Liberalis</td>
<td>?</td>
<td>?</td>
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<td>C75</td>
<td>CIL IX 2798, Aupsidena (IV)</td>
<td>?</td>
<td>Ulpia[nus or -na?]</td>
<td>?</td>
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<td>C76</td>
<td>CIL IX 2827 (= ILS 5985), Buca (IV)</td>
<td>M. Paquius Aulanius</td>
<td>municipium Histoniense</td>
<td>?</td>
<td>L./?</td>
<td>?</td>
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<td>C77</td>
<td>CIL IX 3052, Interpremisium (IV)</td>
<td>Strategicius</td>
<td>Statilius Barbarus, clarissimus vir (cos. 1557, legatus Thraciae 196/197, cf. CIL VI 1522 = ILS 1144; PIR III, pp. 258-59, no. 591)</td>
<td>?</td>
<td>?/M (?)</td>
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<td>CIL IX 3076 (= ILS 5555), Sulmo (IV)</td>
<td>Pelicistinus</td>
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<td>?</td>
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<td>C79</td>
<td>CIL IX 3579, Pagus Ficulianus (IV)</td>
<td>Festus (possibly the same character as the viculus in CIL IX 3571)</td>
<td>Titi (Catius) Caenus Fronto (cos. 96)</td>
<td>?</td>
<td>?/M (L.)</td>
<td>?</td>
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<td>C80</td>
<td>CIL IX 3552, Cerfennia (IV)</td>
<td>Successus</td>
<td>G. Iul[ius Iul[ius]ianus</td>
<td>?</td>
<td>S./M (?)</td>
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<td>CIL IX 4129 (= ILS 7300b), Aequiculi (IV)</td>
<td>Helius</td>
<td>L. Iulius Fronto</td>
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<td>S.?/M (S.)</td>
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<td>CIL IX 4526, Ager Amatiuminus (IV)</td>
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<td>CIL IX 4513 (= ILS 3378), Ager Amatiuminus (IV)</td>
<td>Niecesor</td>
<td>P. Betulenus Ager</td>
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<td>CIL IX 5377, Firmum Pecorum (V)</td>
<td>Philumenus</td>
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<td>Marcus</td>
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<td>C89</td>
<td>CIL IX 6083, no. 111, Septempra (V) (sigmasculum)</td>
<td>Picentinus</td>
<td>Basillus N(oster)</td>
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<td>S.?</td>
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<td>CIL IX 6083, no. 124, colonia Tegulit or Gisgilis (V) (sigmasculum)</td>
<td>Romanus</td>
<td>Calpurnius N(oster)</td>
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<td>Vest(?)</td>
<td>AVGVSTI N(ostri) (AVGG NN)</td>
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<td>C106</td>
<td>CIL X 7723</td>
<td>Lo(n)gus</td>
<td>Salvius Plotinus and Salvia Rufa</td>
<td>?</td>
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<td>C107</td>
<td>CIL X 8045, no. 12, Astutum (Sicily) (sectula)</td>
<td>Eulalus</td>
<td>L. Minicius Natalis (of African origin, under Trajan, CIL VII 2478)</td>
<td>officinator (?)</td>
<td>?</td>
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<td>C109</td>
<td>CIL X 8059, no. 29, Neapolis (I)</td>
<td>Alphius</td>
<td>(L. Valerius Messals) Thrasea Priscus (cous. 196, and later curator aquae)</td>
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<td>C114</td>
<td>CIL XI 2588</td>
<td>Primitius (perhaps the same character as CIL XI 3714)</td>
<td>Dea Nortia?</td>
<td>aedilicus? (cf. CIL VIII 15894)</td>
<td>S.?</td>
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<td>CIL XI 2714, Volsini (VII)</td>
<td>Primitivus (perhaps the same character as CIL XI 2686)</td>
<td>res publica Volsiniensium</td>
<td>?</td>
<td>P.S./M (S)</td>
<td>?</td>
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<td>C116</td>
<td>CIL XI 2997, Ager Viterbiensis (VII)</td>
<td>Antigonus</td>
<td>Rufus Marcellinus, clarissimi viri</td>
<td>?</td>
<td>S.?</td>
<td>IV?</td>
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<td>C117</td>
<td>CIL XI 3299, Forum Clodi (VII)</td>
<td>Polyaenus</td>
<td>Faustina Augusta</td>
<td>?</td>
<td>?</td>
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<td>C118</td>
<td>CIL XI 3752</td>
<td>Alexander</td>
<td>IMP. COMMODVS AVG. N(oster)</td>
<td>?</td>
<td>I.S.?/M (?)</td>
<td>180-1</td>
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<td>C119</td>
<td>CIL XI 4427, Antheria (VI)</td>
<td>Primitivus</td>
<td>Postumia Varia, clarissima femina (perhaps related to T. Flavius Postumius Varus, praef. urbi in 271, CIL VI 1416-1417 and CIL VII 95)</td>
<td>a. qui gessit annis XIII</td>
<td>S./M (S.)</td>
<td>40</td>
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<td>C120</td>
<td>CIL XI 4661, Tuder (VI)</td>
<td>Augustanus</td>
<td>L. Romanus?</td>
<td>?</td>
<td>S.?</td>
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<td>C121</td>
<td>CIL XI 4732, Vicus Martis Tudertum (VI)</td>
<td>Myrtillus</td>
<td>S./M? (S.)</td>
<td>?</td>
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<td>CIL XI 6076, Urvinum Mauserense (VI)</td>
<td>Felix</td>
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<td>C123</td>
<td>CIL XI 7391, Balorum Regis (VII)</td>
<td>Achilleus</td>
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<td>C124</td>
<td>CIL XIV 203, Ostia (I = Vetus Latium)</td>
<td>Terentinus</td>
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<td>C125</td>
<td>CIL XIV 332b (= ILS 5149), Ostia (I = Vetus Latium)</td>
<td>?</td>
<td>Flavius Mosch(y)lus, vir clarissimus</td>
<td>?</td>
<td>?</td>
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<td>C126</td>
<td>CIL XIV 372 (= ILS 6158), Ostia (I = Vetus Latium)</td>
<td>Alexa[nder?]</td>
<td>L. Lepidus Euthychus, servus Aug. idem quoq. in colonia Ostiensis et in municipio Tusculanorum et quoq. perpetuus corpor. fabrum navalium Ostiensium</td>
<td>?</td>
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<td>C127</td>
<td>CIL XIV 469 (= ILS 7378), Ostia (I = Vetus Latium)</td>
<td>Cerdon</td>
<td>M. Caesonia Spectatus</td>
<td>?</td>
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<td>C128</td>
<td>CIL XIV 2251 (= ILS 3303), Ager Albanus (I = Vetus Latium)</td>
<td>Callistus</td>
<td>Rufina N(ostra)</td>
<td>?</td>
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<td>C129</td>
<td>CIL XIV 2301 (= CIL VI 9119), Ager Albanus (I = Vetus Latium)</td>
<td>Iunius</td>
<td>Fulvia Lucina</td>
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<td>CIL XIV 2569, between Tusculum and Mons Albanus (I = Vetus Latium)</td>
<td>Festianus</td>
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<td>CIL XIV 2792, Gabii (I = Vetus Verus Latium)</td>
<td>L. Caecilius (?)</td>
<td>?</td>
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<td>C132</td>
<td>CIL XIV 4659, Ostia (I = Vetus Latium)</td>
<td>[He]m[es]</td>
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<td>CIL XV 1049, Rome (tela); (= CIL X 8046, no. 5, Sardinia)</td>
<td>Eutinus</td>
<td>Lucilla Veri (the mother of MARCVS AVRELIVS or, less likely, the wife of IVCVS VERVS)</td>
<td>officinator (tile factory)</td>
<td>?</td>
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<td>CIL XV 8024, Rome (signaculum)</td>
<td>Lebou</td>
<td>AVGVR NN SEPTEIMVS SEVERVS, CARACA, GETA?</td>
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<td>AE 1919, no. 56, Ammertum (IV)</td>
<td>Festus</td>
<td>Laber(is?) Crispin(us)?</td>
<td>?</td>
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<td>AE 1954, no. 235, Aquileia (X)</td>
<td>Olympus</td>
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<td>AE 1964, no. 94, Rome/Via Latina (caracomb)</td>
<td>Libicus</td>
<td>Paulina Asiaeica? (CIL VI 28224 and PIR I', p. 72, no. 423)</td>
<td>?</td>
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<td>AE 1975, no. 387, Volcrii (VII)</td>
<td>Crescens</td>
<td>M. Allius Severus</td>
<td>lapidicinarius (vicinity of the quarries of Peperino at Marino)</td>
<td>?</td>
<td>ca. 160</td>
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<td>AE 1984, no. 56, Rome (tela)</td>
<td>Sozertichus</td>
<td>T. Statilius Maximius (successor of M. Rutilius Lupus as owner of the figiinac Bruttianae, after 25)</td>
<td>officinator (tile factory)</td>
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<td>AE 1985, no. 189, Ostia (I - Vetus Latium)</td>
<td>Dionysius</td>
<td>Ummidia Quadratilla</td>
<td>?</td>
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<td>G151</td>
<td>CIL VI 31807</td>
<td>Prasitnia Maximina</td>
<td>c(onsularis?)</td>
<td>actrix c(onsularis?) domus L.?/M (?)</td>
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<td>Aequitas (Italy)</td>
<td>T. Flavius Onesiumus</td>
<td>AVGVSSTVS (one of the Flavians)</td>
<td>agricola/toparius? (horti I.L./M (L.)</td>
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<td>CIL VI 8673, Rome</td>
<td>Fortunatus</td>
<td>CAESAR N (oster)</td>
<td>agricola (exactor praediorum Lucilianorum)</td>
<td>1.S./M?</td>
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<td>CIL VI 8683</td>
<td>Phoebus</td>
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<td>[?]?</td>
<td>disp. ex act. lat(?)</td>
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