Merchants In The Later Roman Empire

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Merchants In The Later Roman Empire

Abstract
Merchants in the Later Roman Empire is an analysis of the social and economic lives of merchants, traders, and artisans in the 2nd to 4th centuries. It focuses, in particular, on the strategies adopted by merchants participating in small-scale local and regional trade and argues that concerns about social status were the primary determinants of merchant behavior. It expands the traditional application of New Institutional Economics to include informal and social institutions and considers how social norms limited and shaped merchant economic behavior. In doing so, the project moves discussions about the Roman economy away from the effect of the power, and particularly the institutional power, of the state toward a more dynamic model that accounts for the effect of interpersonal relations on the economy. Merchants in the Later Roman Empire argues that the Roman Empire rarely intended to regulate merchant activity in a comprehensive way and was more concerned with maintaining the status quo through its legislation and taxation. It contends that merchants engaged with the state at local levels where personal connections were critical. These ties were structured along similar lines to those between merchants and their peers, competitors, and customers—in short, to the connections they had with individuals throughout their communities. Taking reputation as its focus, this project argues for the institutional power of social norms in merchant social and economic life and analyzes the strategies used by merchants to present and advance themselves. Merchants invested heavily in their reputations and attempted to display their contributions to society, their good characters, and their success in business. These efforts were costly and every form of self-representation relied heavily on the disposition of the audiences to which they were directed. Merchants in the Later Roman Empire considers both the projection and the reception of reputation to conclude that these social norms constrained merchant actions in ways that limited their indiscriminate pursuit of profit but also generated economic opportunities by fostering trust and reducing market volatility.

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In the dissertation that follows, I argue that Roman merchants were deeply embedded in a social world that made their professional lives possible. Consequently, I would be remiss if I did not take this opportunity to acknowledge the social world that has facilitated this project from its inception to today. First, I would like to thank my supervisor Dr. Campbell Grey. His support for this project drove its creation and has continued unceasingly thereafter, even as my own confidence waxed and waned and waxed again. I have been inspired from the moments of staggering clarity and flashes of possibility that our meetings have produced and have been equally grounded by his insistence on intellectual rigor and careful argumentation. He knows full well the tug of war that this project has been, and I hope that I have found a fair balance between method and material that we both recognized was the necessary path forward. Next, I would like to thank my committee: Dr. Cynthia Damon, Dr. Ann Kuttner, and Dr. Alan Stahl. Each has been a generous and dedicated reader throughout the writing and rewriting of this dissertation, and each has lent me their expertise as I worked to develop my own. This is a better project, and I am a better scholar, for their efforts.

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Last, but never least, I give my boundless thanks to my family. Gratitude in every form seems inadequate to express my feelings here, to say how much your unwavering support, bottomless patience, and unconditional love has meant. Thanks to my grandmother, who put the first book of Greek myths into my hands. Thanks to my father,
who refused to believe I could not do it and read Tacitus in quiet solidarity. Thanks to my mother, who insisted I took Latin, who sobbed as I boarded planes to England, who let me cry as I first did not, and then did, get into graduate school, and who has listened to every struggle, every day. She knows all the ups and downs of the rollercoaster I have been on, and her writing, ultimately, has been what inspired my own. Mom, this one is dedicated to you. I love you.
ABSTRACT:

MERCHANTS IN THE LATER ROMAN EMPIRE

Jane Sancinito

Campbell Grey

*Merchants in the Later Roman Empire* is an analysis of the social and economic lives of merchants, traders, and artisans in the 2nd to 4th centuries. It focuses, in particular, on the strategies adopted by merchants participating in small-scale local and regional trade and argues that concerns about social status were the primary determinants of merchant behavior. It expands the traditional application of New Institutional Economics to include informal and social institutions and considers how social norms limited and shaped merchant economic behavior. In doing so, the project moves discussions about the Roman economy away from the effect of the power, and particularly the institutional power, of the state toward a more dynamic model that accounts for the effect of interpersonal relations on the economy. *Merchants in the Later Roman Empire* argues that the Roman Empire rarely intended to regulate merchant activity in a comprehensive way and was more concerned with maintaining the status quo through its legislation and taxation. It contends that merchants engaged with the state at local levels where personal connections were critical. These ties were structured along similar lines to those between merchants and their peers, competitors, and customers—in short, to the connections they had with individuals throughout their communities. Taking reputation as its focus, this project argues for the institutional power of social norms in merchant social and economic life and analyzes the strategies used by merchants to present and advance themselves. Merchants invested heavily in their reputations and attempted to display their
contributions to society, their good characters, and their success in business. These efforts were costly and every form of self-representation relied heavily on the disposition of the audiences to which they were directed. *Merchants in the Later Roman Empire* considers both the projection and the reception of reputation to conclude that these social norms constrained merchant actions in ways that limited their indiscriminate pursuit of profit but also generated economic opportunities by fostering trust and reducing market volatility.
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INTRODUCTION:

ἀλλὰ τοὺς μὲν καπήλους τοὺς ἐν τοῖς μέτροις κακουργοῦντας, οἷς ὁ βίος ἐστὶν αὐτὸθεν ἀπὸ αἰσχροκερδεῖας, μισεῖτε καὶ κολάζετε· τὴν δὲ πόλιν, εἰ δῦξει περὶ τοὺς ἑπαίνους τὸν ἱγαθὸν ἄνδραν πανουργεῖν καὶ τὰς δωρεὰς καπηλεύειν, οὐκ αἰσχυνεῖσθε, παλιμβολα καὶ παλιμπρατα ποιοῦσαν τὰ σεμνὰ; καὶ οὐδὲ ἐκεῖνο ἐνθυμεῖσθε ὅτι μηδὲ τοῖς καπήλοις μηδεὶς ἔτι ραδίως προσείη, παρ’ οἷς ἄν πονηρὰ ή τὰ μέτρα;

But, those merchants who cheat in their measures, whose life, the very nature of their business, depends upon base gain, you hate and punish; but if the city will gain the reputation of being a villain concerning the commendations of good men and selling honors, will you not feel ashamed that it is making sacred awards untrustworthy and subject to repeated sale? And do you not spare a thought for this—that nobody will ever again willingly have dealings with merchants whose measures are dishonest?

—Dio Chrysostom, Orationes, 31.37-38

Cohortamur ergo omnium devotionem, ut res constituta ex commodo publico benignis obsequis et debita religione teneatur, maxime cum eius modi statuto non civitatibus singulis ac populis adque provinciis, sed universe orbi provisum esse videatur, in cuius perniciem pauci atmodum desaebisse noscantur, quorum avaritiam nec prolixitas temporum nec divitiae, quibus studuisse cernuntur, mitigare aut satiare potuerunt.

Therefore, we urge the loyalty of all people that a matter constituted for the public good be observed with willing obedience and due care; especially since in such a statute provision has been made, not for single states and peoples and provinces, but for the whole world, to whose ruin a few people are known to have raged excessively, whose avarice neither the extent of time nor the riches for which they are seen to have striven could lessen or satisfy.

—Edict of Maximum Prices, lines 145-153

More than 200 years separate these texts, yet they both concern the very same issue: the fraught position of merchants in the Roman world. Merchants, κάπηλοι for Dio, and the pauci for Diocletian and the Tetrarchs, who elsewhere refer to them as
*venditores*,¹ are both a problem and a tool. For Dio, merchants are a dishonest and greedy group, but they are useful for comparison. He clarifies the deceitfulness of the decision of the Rhodians to re-inscribe statue bases by drawing a parallel to the work of untrustworthy merchants who cheat in their measures and who seek out profits over honor. For the Edict, merchants are avaricious, but they are a useful scapegoat. Not only are merchants and their greed the cause of high prices throughout the Empire, and consequently the whole world, but they are also the source of a more pernicious moral degeneracy that threatens the ruin of the Empire.

These kinds of claims about merchants are ubiquitous at every level of the social spectrum. They are as common in graffiti as they are in legislation, and they reflect a set of stereotypes that Dio believes to have serious economic consequences, for who would “ever again have dealings with merchants whose measures are dishonest?” Diocletian and the Tetrarchs hope to contain merchants, to restrict their dealings and to call upon the loyalty of citizens to enforce the rule of law and the standards of morality.

But where, in all this, are the merchants themselves? Their voices are absent here, as they are in so many texts, and their agency, in so far as it is visible at all, is presented as being essentially detrimental to society. Their choices, and by extension their existence, make matters worse. Moreover, what do these texts mean by merchants? Buying and selling, exchange, is central obviously, but what of crafting or laboring, transporting or serving? The details, as it were, are not essential to these authors’ purposes. Dio seeks to shame the Rhodians by comparing them to those whom they hate and punish, while the Edict seeks to aggrandize the power of the emperors and lay claim

¹ Edict, line 122
to the absolute influence of the imperial government by placing blame on the shoulders of merchants whom they elsewhere call *hostes*,\(^2\) enemies of the state itself.

The perspectives offered by these texts can be productively supplemented by those of merchants, who are hardly silent figures in our extant record, and who did not accept their role as scapegoats and negative *exempla* passively. Roman merchants, moreover, operated not only under the watchful eye of the state and elite authors, but also under the eyes of their peers and customers. These perspectives are also critical for understanding of the role of merchants in the social and economic world of the Roman Empire. Though many of these points of view preserve something of the negative stereotypes that are central to the passages above, they also leave a record of merchants’ pride in their work, their positive roles in society, and the networks of acquaintance, friendship, and business that linked merchants inextricably to their communities.

This dissertation seeks to get behind these stereotypical and biased accounts to analyze the social and economic world of merchants in the later Roman Empire. It contends that merchants operated in face-to-face communities, and that they leveraged social capital and status to generate economic opportunities for themselves. Status and power dynamics arranged all kinds of Roman communities. Social and political structures gave elites and state officials forms of authority over merchants, but this project will not assume the absolute primacy of these forces. Rather, it will present the power of the state and elites as merely one influence on merchant decision making among many others. It will argue that merchants had agency in and of themselves, and that their will, as individuals and as collectives, had the power to direct the course of their social and

\(^2\) Edict, Preface, Lines 44-45
economic lives. Further, this project argues that the very phenomenon that Dio describes, the decision that buyers could make to avoid a merchant who had cheated them before, was a major influence and institutional limit on the decision-making processes of merchants, traders, and artisans. Merchants were careful to protect their social standing, and they acted in full knowledge of the potential consequences of being seen to conform to the negative stereotypes that circulated about them.

“Law Constituted for the Public Good”: The State and the Roman Economy:

Diocletian and the Tetrarchs claim a great deal in the course of the preface to their Edict of Maximum Prices. In just the passage above they assert their right to loyalty, willing obedience, and due care, while elsewhere they profess to be “protectors of the human race,” and to be the arbiters of what constituted justice. They assert all this through their control of the rule of law, which has long been understood to have been the exclusive province of Roman emperors. The rhetoric of passages like this one have encouraged this view, as well as a scholarly preference for texts like the Edict, which place the Emperor and the Roman state, at least in theory, at the center of the Roman social, and especially economic, world. The law of the Empire, supported by the

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3 Edict, Preface, Line 25
coercive powers of the state, is often taken, axiomatically, as the force that drove the economy through state demand and the enforcement of contracts.

This is true of much of both current and historical scholarship on the Roman economy. Though the roots of this scholarship run deep, through more than a century of discussion and debate, the work of the last three decades, in particular, has placed the state and its structures at the very center of the discussion. The historiography of this approach is complex, but it is worth exploring in detail, the better to understand the direction that scholarship has taken in recent years and to see how this project will build upon that work.

The study of the ancient economy is generally traced back to an origin point the mid-19th century. At that time, debates about the relative primitivism or modernism of the ancient economy were central and sharply divided the field, which alternately posited the primacy of the small, self-sufficient, household economy, or that of a vibrant, interconnected, market economy. At the turn of the century, driven especially by the work of Michael Rostovtzeff, scholars gradually developed a tenuous consensus on a modernist approach that argued, among other things, that there were clear and explicit parallels between the ancient and medieval economic worlds. The state was already central in this work, and Rostovtzeff conceived of the Roman government as a motivation for trade, either through its expansionist tendencies, which brought in wealth through the

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5 These opposing positions are now generally considered to be “upheld” by Finley, The Ancient Economy., on the household end of the spectrum, and Rostovtzeff, The Social and Economic History of the Roman Empire., on the market side, though neither is a 19th century contributor. Saller, “Framing the Debate over Growth in the Ancient Economy.” rightly critiques this and offers a good summary of the earlier literature. See also Drexhage, Konen, and Ruffing, Die Wirtschaft des Römischen Reiches (1.–3. Jahrhundert), chap. 1 for a good summary of the historiography of the field. Though questions have shifted, we still see strong proponents of a modernist, market economy, e.g. Temin, The Roman Market Economy.

acquisition of land and slaves, or through its taxation, which led tax farmers to invest their profits both domestically and abroad.

Despite the rhetorical force of the modernist position, divisions persisted in the scholarship, and important work was being done elsewhere in the field, primarily by Max Weber in the 19th century and Karl Polanyi in the 20th. The work of both these authors suggested the need for greater analysis of the structures of ancient societies in relation to the economy. Both Weber and Polanyi hoped to shift the debate away from the binary of primitive or modern, as well as away from the teleologies that those positions both assumed. Instead, they advocated for analyses that included an understanding of how status, in Weber’s case, and “embeddedness,” in Polanyi’s, effected the structure of premodern economies. Neither approach sought to prioritize the state over other structures, and their positions would be brought to the fore in the influential work of Moses Finley in the 1970s.

In his *Ancient Economy*, Finley took the Polanyian notion of an embedded economy seriously. In adopting Polanyi’s perspective, Finley also adopted explicitly neoclassical economic conceptions of rationalism, and he used these to argue that, at least as we understand it today, there was no economy in the ancient world, merely a collection of status-based interactions that necessitated exchanges and the movement of goods. By Finley’s conception, an economy could not, and did not, exist without an awareness of that economy. Furthermore, the economy of the ancient world was so embedded into the social structures of antiquity as to be invisible, even to those carrying

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8 Finley, *The Ancient Economy*.
out what might be called economic actions. Within the social and cultural context of antiquity, there was no understanding of economic activity as being different from any other kind of action, thereby making “economy” a functionally unhelpful analytical category.

This was a provocative correction to the course of scholarship, and particularly to the simmering primitivist-modernist debate.9 The Ancient Economy raises points that are still essential, particularly that the context of the social world can and should change how we apply our methodological frameworks, and that there is a place for ancient understandings of the economy in our modern analyses. As we will discuss below, these points are ones that are essential to the approach of this project, and that are necessary for the study of Roman merchants in particular.

Nevertheless, the Finleyan premise, that there can be no economy without a contemporary understanding of economy, did not sit well with the field, nor has this claim gone unchallenged. The numerous editions of The Ancient Economy, along with reviews and responses,10 amply demonstrate the struggle that the field has had with Finley’s contentions. Major, and valid, objections were raised to Finley’s rejection of archaeological evidence, which demonstrates, in both volume and purpose, that an economy did exist in the ancient world. Furthermore, critiques were levied by others who saw in Finley’s work what Ian Morris has called the problem of “oversocialization.”11 By this reading, which has been adopted by Keith Hopkins, among others, Finley has greatly

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9 See Morris, “Foreword”; Saller, “Framing the Debate over Growth in the Ancient Economy.” for assessments of The Ancient Economy’s impact.
underestimated the scale of the economy by focusing too exclusively on the role of society.

In many ways, the efforts to critique Finley by this line of argument have developed into the current approach to the study of the ancient economy, and, in particular the Roman economy. Led by Hopkins and his model of the structure of the Roman imperial economy, and especially of growth in that economy, scholarly debate has effectively returned to the one of economic performance, the same issue that was an essential part of the early primitivist-modernist debates. Hopkins was eager to develop a model that, while it aligned with some elements of Finley’s “new orthodoxy,” could also account for economic change over time, most especially the growth and decline seen in the evidence for the Roman imperial economy. Hopkins’ tool in this effort was a comprehensive model of the economy that placed the state, its needs and structures, at the center of economic activity. By his understanding, the Roman state was the engine that drove the economy and motivated economic exchange as small-scale agriculturalists labored to pay rents and taxes in coined money, which the state then paid to its military, whose soldiers spent it in local markets, buying produce from small-scale agriculturalists, and beginning the cycle again.

12 Morris, xxiv. notes the lack of interest in Finley’s arguments among Greek economic historians. This is a point of divergence in the historiography of this field, though the field has largely reintegrated through the adoption of New Institutional Economics in the last few decades.
13 Morris, Saller, and Scheidel, “Introduction,” 5. These debates has also not completely disappeared, not only do they still simmer beyond much of current scholarship, but they are also still explicitly used, e.g. Jacobsen, Primitiver Austausch oder freier Markt?
15 Hopkins, “Taxes and Trade in the Roman Empire (200 B.C.-A.D. 400)”; also see: Hopkins, “Models, Ships and Staples.” which addresses some of the initial critiques of the “Taxes and Trade” model.
Scholarly engagement with this model, which has included both elaboration and attempts to refute it,\textsuperscript{16} have leaned hard on quantification and especially on fitting together, or demonstrating the lack of fit between, the evidence and the model. Again, performance, growth, and particularly the state has been central in these analyses, and, armed with the underlying assumption that the state drove trade, the field was able to raise, and offer answers to, important questions about demography, quality of life, and consumption, among many other issues.\textsuperscript{17}

Simultaneous with this move in the field of the ancient, and specifically Roman, economic history,\textsuperscript{18} the methodological approach of New Institutional Economics was being steadily adopted from the late 1980s on, especially among economic historians of the Medieval period.\textsuperscript{19} This social-scientific approach grew out of the work of Douglass North and Oliver Williamson,\textsuperscript{20} who saw deficiencies in standard institutional theory, and particularly felt that it was possible to reconcile traditional institutionalism with neoclassical economics.\textsuperscript{21} Like traditional institutionalism, New Institutional Economics (hereafter NIE) posits the existence of institutions, regularities in exchange that provide structure and predictability in the marketplace. These institutions limit economic choices and provide a series of incentives and disincentives for certain behaviors, making some


\textsuperscript{17} Bowman and Wilson, Quantifying the Roman Economy. offers a collection of some of the directions. See: Wilson and Bowman, Trade, Commerce, and the State in the Roman World. for current bibliography.


\textsuperscript{19} Highly visible in e.g. Persson, An Economic History of Europe; Goldberg, Trade and Institutions in the Medieval Mediterranean.


more costly, either in terms of actual finances or in terms of social status. NIE, however, differs from traditional institutional economics in its belief that institutions can complement neoclassical economic theory. Fundamentally, the NIE framework achieves this reconciliation by offering an explanation of why rational economic agents do not always seek to maximize their profit. It contends that sometimes it is more attractive for economic actors to accept less profit in exchange for security or predictability.

Yet, institutions require enforcement methods, which are generally understood to be either the state and its laws or more abstract social norms and conventions. The former, the state and legal regulation, aligned well with the research interests of Roman economic historians, and NIE began to find its way into work on the Roman world in the 1990s and early 2000s.22 This has continued in recent years with the incorporation of NIE into major works such as the *Cambridge Economic History of the Greco-Roman World*.23 These works continue to prioritize the power of the state and its laws to limit economic choices and provide structures. They seek to determine whether law and other institutions fostered or inhibited economic growth, and whether those institutions led to a more equitable distribution of wealth or concentrated it more intensely in the hands of a few. Essentially, they seek to answer questions about what these institutions did, and who

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22 E.g. Kehoe, “Legal Institutions and the Bargaining Power of the Tenant in Roman Egypt”; Lo Cascio, “The Role of the State in the Roman Economy: Making Use of the New Institutional Economics”; Bresson, “Économie et Institution.”; Harper, *Slavery in the Late Roman World, AD 275–425*; Nicolet, “Économie, société et institutions au IIe siècle av. J.-C.” Though there were those who, from an early stage, understood that state institutions were not the only possible institutions shaping the lives of Roman economic actors, see: Morley, *Metropolis and Hinterland: The City of Rome and the Italian Economy, 200 B.C.-A.D. 200*, 77–79.

benefited from them, working from the assumption that they did something and benefited someone.  

Even as scholarship on the ancient economy develops new models, moving away from Hopkins, it continues to present the state, the power of emperors like Diocletian and the force of his laws, as the impetus behind the economy. This has become foundational to the field, to the extent that its fundamental assumptions have found their way into the majority of literature, not only on the subject of the economy itself, but also into the scholarship on Roman merchants, a traditionally small, but recently growing sub-field of primarily social history. Here, legal status, imposed by the state onto merchant populations, has generally been taken as an essential feature. It is visible as early as John D’Arms, whose Commerce and Social Standing in Ancient Rome, is, in many ways, the genesis moment for the study of the social lives of merchants. In D’Arms, legal status is the primary metric for determining which people are able to engage in trade, and under what circumstances. The law of Rome did not permit senators to trade directly, which was a catalyst for agent-based trading on their behalf, especially by freedmen, whose own legal status of dependency on their former masters structured their economic, as well as their social, lives.  

Though scholarship on merchants did not expand greatly following the work of D’Arms, the same frameworks of legal status were still apparent in the resurgence of

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25 See also Bang, The Roman Bazaar, for another institutional model.
26 D’Arms, Commerce and Social Standing in Ancient Rome; see also Burford, Craftsmen in Greek and Roman Society. Slightly later, there was a growth of scholarly interest in Germany, see: Zimmer, “Römische Handwerker”; Schlippschuh, Die Händler im römischen Kaiserreich Gallien, Germanien und den Donauprovinzen Rätien, Noricum und Pannonien.
27 Aubert, Business Managers in Ancient Rome.
interest in tradesmen that grew in the 1990s and the 2000s. These works, discussed more fully below, were interested primarily in *collegia* and other kinds of trade-related associations. Legal status was often central to these discussions, and most made some mention of how the state attempted, or at least wished to, regulate these collectives. Some in this period dealt more specifically with single merchants, or merchants without ties to *collegia*. Joshel, for example, placed emphasis on legal status, and particularly servitude or freed-status, and the impact that this had on society and economic activity. This work was part of a trend to redress a scholarly gap in dealing with marginal actors in the economy, and especially women, slaves, and freedmen, whose legal status restricted their economic opportunities, and who had not been thoroughly studied prior to Joshel and others.

While the field’s interest in these topics has waned somewhat in recent years, the 2010s have brought forth several monographs dealing directly with, or implicitly featuring, the role of the state in the social lives of merchants. Sarah Bond’s *Trade and Taboo*, in particular, has considered how the extant laws affected the social and economic choices of merchants, beyond the status of freedom or servitude, and connected many of

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29 Among those working more explicitly on the legal side of things, these groups were increasingly regulated by the state, Waltzing, *Étude historique sur les corporations professionnelles chez les Romains depuis les origines jusqu’à la chute de l’Empire d’Occident*. See chapter one for full bibliography and discussion.


the points made in the economic literature to the social worlds of those who practiced “disreputable” professions, and were legally restricted in a variety of ways.32

These works have been essential to the development of this project, yet, as Miko Flohr recently put it in his *The World of the Fullo*:

> “it may be suggested that, in many respects, the differences between slaves, freedmen, and freeborn fullers in the practical autonomy they enjoyed on the shop floor may have been relatively limited. In other words, in discussing dependency and autonomy… the legal status of *fullones* in itself is not necessarily of key relevance.”33

This conclusion flies in the face of much of the historiography of the Roman economy and its actors, but, while it only refers to the experience of a single group of professionals, it does seem to touch on something that is present in our evidence, namely that the sources of traditional authority, and especially the state, were often not able to exert their will exactly or evenly. In some cases, as with Flohr’s *fullones*, merchants were able to ignore issues of legal status or authority, and operated primarily among themselves, according to their own metrics of social and economic status.34 At other times, merchants actively resisted pressure put on them from these sources, while at still other times, they were willing to negotiate. They did so particularly with the state, which, despite its claims to power, was dependent on merchant labor to transport grain to Rome, among many other kinds of vital supplying. Whatever their approach, merchants, either

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32 Bond, *Trade and Taboo*.
33 Flohr, *The World of the Fullo*, 309. he continues that social superiors, rather than legal parameters, were much more influential, but that in most fulleries there was relatively little direct oversight by such people.
34 See Gardner, “Proofs of Status in the Roman World.” on how legal status might be a complicated or unclear matter, and on how ignorance of status might, or might not, prose social and economic challenges.
individually or as a collective, retained agency, and were hardly novices at working their way through, around, and under the radar of state systems.\textsuperscript{35}

The negotiation between the state and its laws, on the one hand, and the agency of both citizens, in general, and economic actors, in particular, on the other hand, is an issue that has not, thus far, been central to the work of scholars of the Roman economy.\textsuperscript{36} There is, however, room to accommodate this in our understanding, provided we begin to shift our attention away from the only merchants who have commonly appeared in this literature. In the work of historians of the Roman economy, merchants have generally appeared in one of two major ways: either as agents of the state’s will, who were locked into contracts that determined all their economic choices, or as petty traders whose economic activities were so limited as to be invisible in our source material.\textsuperscript{37} In both approaches, the agency of merchants remains as invisible as it is in the passages of Dio and Diocletian, and it is commonly only a limited set of merchants—those who were involved in state-employed, long-distance, and large-scale trade—who make any appearance in this scholarship at all.

This is a direct consequence of the visibility of such merchants in our sources. These merchants were the ones who were the most likely to utilize state structures, and thus appear within state generated documents. They were also more likely to be wealthy, and thereby possess the means to promote themselves in lasting ways, to build

\textsuperscript{35} Scott, \textit{Weapons of the Weak}; also, Connolly, \textit{Lives behind the Laws}.

\textsuperscript{36} Though it has been taken up elsewhere, Ando, \textit{Imperial Ideology and Provincial Loyalty in the Roman Empire}; and, to an extent, in Lendon, \textit{Empire of Honour}.

\textsuperscript{37} E.g. De Salvo, \textit{Economia privata e pubblici servizi nell’impero romano}. among many others who advocate for the tied professions hypothesis. Compared, especially to Hopkins, “Models, Ships and Staples,” 85. “Short-haul transport of the agriculture surplus… constituted the greatest proportion of all transport which occurred in the Roman world… Given the absence of any explicit testimony, it must seem hopeless to estimate the volume of food transported short-haul in the Roman Empire.”
monuments and set up inscriptions. This has justified their prioritization, and somewhat circularly defended the argument that Roman merchants operated under a state that controlled merchants. However, there are serious reasons to doubt the typicality of such individuals. In fact, this challenge has been raised in recent years in the monumental work of Horden and Purcell. Their *Corrupting Sea* draws from a different strand in economic literature, explicitly following the *Annales School* in its adoption of a *longue durée* vision of Mediterranean social, environmental, and economic history. Their work has called for a greater emphasis on the small-scale trader, who operated without substantial intervention from the state and whose considerations were essentially those of immediate economic need, the mitigation of risk, and, most critically for this project and its aims, the development and maintenance of social status.

To access the social and economic lives of merchants of this kind, we must ask different questions of our sources and develop an approach that does not give immediate priority to the state and its institutions above those of the community and its social norms. Rather than continuing to argue for the primacy of the state in economic activity, we must start from the merchants themselves, and ask questions about what the world looked like from their perspective, rather than from above or even below.

**“Merchants Whose Measures Are Dishonest”: The Social World of Roman Merchants:**

As the discussion above has suggested, the state and its institutions have become central to the way in which the Roman economy is discussed. Though this approach has prioritized some evidence that need not be taken as typical and led to some conclusions

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38 Horden and Purcell, *The Corrupting Sea*. 
that overrepresent a portion of the economic picture, there is room to correct course within the current approaches. In particular, as has been noted in some of the most recent work on merchants and trade, there is great potential within the framework of NIE. Though this methodology has been used to prioritize the state, it need not be utilized in that way. In fact, a small contingent of recent work has risen to this challenge, considering how trade was conducted in a world of imperfect information under a state that often exercised only imperfect control.

NIE, as it has been both developed and most commonly applied, relies upon the notion of institutions that regulate economic behaviors and incentivize certain choices, while making others less attractive. This regulation and series of incentives is generally taken to require enforcement from a force external to the economic actor. As North has put it:

"[institutions] entail enforcement either of the self-enforcing variety, through codes of behavior, or by third party policing and monitoring. Because ultimately a third party must always involve the state as the source of coercion, a theory of institutions also inevitably involves an analysis of the political structure of a society and the degree to which that political structure provides a framework of effective enforcement."  

As can be seen in this extract, North, automatically assumes that it must be the state and its powers of coercion that will enforce institutions. Yet, before he dives into this approach, he acknowledges the possibility of what he calls self-enforcing institutions, motivated by codes of behavior.

39 Terpstra, Trading Communities in the Roman World: A Micro-Economic and Institutional Prospective; Hawkins, Roman Artisans and the Urban Economy.
40 See esp. Terpstra, Trading Communities in the Roman World: A Micro-Economic and Institutional Prospective.
This is the dynamic at play in Dio’s admonishment of the Rhodians. Dio notes that basic codes of economic behavior, in fact the same kind of economic rationalism that forms part of the foundation of NIE itself, will compel a buyer to avoid a merchant who has cheated them in the past. The state does not compel this action, nor does it encourage the natural inverse, where a merchant would choose not to use dishonest measures, even if such an action would increase his or her profits, out of fear of being caught and exposed and/or in the hope of securing business in the long-run. The motivation, the enforcement, to borrow North’s terminology, is self-generated by economic actors, both buyer and seller, who understand the social and economic conventions that govern this interaction. While the state might offer a standard measure, or even, at times, employ officials to check measures in the marketplace, it was not a matter of enforcement or coercion that most powerfully dictated the course of the exchange and future exchanges, but social pressure not to appear dishonest or to allow oneself to be duped by returning to a dishonest seller.

North, and by extension NIE, call these kinds of institutions self-enforcing, as they assume that the rational actor will choose to obey them him- or herself. However, in what follows we will call institutions that relied on social norms “informal.”42 This terminology allows us to avoid the messy issue that North’s “self-enforcing” implies, namely that social pressure was always an internal force, one which the actor felt and chose to obey of his own free will. This point of view creates a binary, with “self” on one side and a “third-party” on the other. North’s “third-party” is always the state, but in the ancient world, the third party might be a number of different people or groups whose

judgment put institutional pressure on a merchant, despite the fact that they lacked the authority of the state. The label of “informal” offers more flexibility in considering how institutions might function and who might wield them.

Furthermore, this phrasing is intended to juxtapose these institutions with the “formal” institutions of the state, and particularly law, but to create, not a binary, but a spectrum along which we may plot many different kinds of institutions. This will enable our analysis to proceed without the presupposition of the primacy of formal institutions, but rather to place formal institutions into dialogue with more informal ones, and to see which institutions acted as a limit on merchant choices, when and in what contexts. This broadens our possibilities for investigation, and greatly enhances the utility of NIE for the study of the ancient world, where we can see evidence of a wide range of possible institutions but do not always have an equally powerful state.

In pursuit of this goal, this dissertation builds on scholarship that has developed from the study of Roman voluntary associations, and particularly of collegia. Like Roman economic history, this field has a long historiographical tradition, dating back into the 19th century, but it is one that has experienced radical shifts since the 1990s. The most influential voice in the field has been that of Onno van Nijf, whose Civic World of Professional Associations in the Roman East paved the way for a thorough reconsideration of the social role that voluntary associations played. Van Nijf’s major contribution was the redirection of the field away from the study of the formal structures

43 Mommsen, De Collegiis et Sodaliciis Romanorum; Waltzing, Étude historique sur les corporations professionnelles chez les Romains depuis les origines jusqu’à la chute de l’Empire d’Occident; also, slightly later, Groag, “Kollegien Und Zwangsgenossenschaftern Im Dritten Jahrhundert.”
44 Previous to Nijf, The Civic World of Professional Associations in the Roman East, the tendency was, again, to view these associations in relation to the state, see De Robertis, Lavoro e Lavoratori nel Mondo Romano. Further historiographical discussion in chapter one and chapter five.
within, and the distinctions between, various types of associations, and toward an understanding that *collegia*, and their parallel, but differently named counterparts, served a variety of purposes simultaneously. Van Nijf argued persuasively for the necessary interconnectedness of religious, social, and economic purposes in associations, and for avoiding approaches that attempt to disentangle these threads.

The effect of this monograph was an explosion of output in this field that has spread out in numerous productive directions. Scholars have incorporated van Nijf’s position to consider how social and economic activities affected religious organizations, and may have made them more appealing to prospective members.45 Others have looked at sub-groups within associations, considering the role of family or apprenticeship networks within and across *collegia*,46 while others have looked at the social and economic implications of activities that associations were commonly known to indulge in, such as feasting.47 General accounts of various kinds of associations now approach the issue in the way that van Nijf has proposed,48 leading to several recent contributions that have greatly advanced even this productive scholarship by adding in consideration of institutional limits within associations that restricted social and economic actions.49

45 Harland, *Associations, Synagogues, and Congregations: Claiming a Place in Ancient Mediterranean Society.*
47 Donahue, *The Roman Community at Table During the Principate.*
These works have undertaken two lines of argument that are essential to this project. First, they have started their inquiries asking questions about merchants from a peer-to-peer perspective. While they have noted the subtle shifts of power and influence within the groups they have studied, they have approached their subjects with the assumption that it is possible to learn something about merchants from the context of merchants acting with and among a group of colleagues, families, neighbors, and friends. From this point of view, it is possible to determine the extent to which the state and forces outside of the merchant community affected those within it. While this project will demonstrate the fundamental interconnectedness of Roman economic actors and their wider communities, it will adopt this approach as a means of getting behind the stereotypes that circulated about merchants.

Secondly, these works have also adopted a form of NIE methodology that closely aligns with the model of informal-formal institutions outlined above. They have considered how informal, social institutions, like honor and shame, limited merchant choices, particularly in the setting of associations. They have been concerned with how merchant groups enforced certain codes of conduct and prevented members from undertaking certain anti-social behaviors that threatened group unity. The enforcement methods of groups represent a kind of midpoint in the spectrum of institutional formality, where the group possessed powers of coercion, free of the state and generated by peers for peers. Their institutions may be recorded in various ways, and clear punishments may be outlined, but, beyond that pseudo-legal formality lay the social pressures of

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maintaining status and respect among one’s colleagues as well as developing a reputation within the community that would be economically useful both within and outside its confines. The arguments of this scholarship, most recently and persuasively considered by Cameron Hawkins for the urban merchants of Rome and Philip Venticinque for Egyptian guilds, have opened up new possibilities for applying these approaches even beyond the realm of associations.

Similarly, these methods can also be applied to merchants who operated outside of collegia. Once again, we can see the validity of this course of investigation in Dio’s words to the Rhodians. He fears they will gain a reputation of “being a villain,” πανουργεῖν, and that this will hurt them in the future by eroding the trust that men put in the sincerity of the city’s praise. He expects them to feel shame for their actions, and, anticipates that they will alter their current course of action to save their good name. Dio compares the Rhodians to merchants, and we may assume that he would chasten the dishonest merchant in much the same way: in cheating in their measures, they would gain a reputation for dishonesty, and with a reputation for dishonesty, no merchant could expect to be successful in his business, for who would return to a merchant who cheated in their measures?

Hawkins has already argued for the importance of reputation among members of professional associations, but Dio’s comments do not explicitly or implicitly imagine a merchant in one of these groups. Rather, Dio supposes a lone merchant, acting in the marketplace, who nevertheless might be undone by his reputation for dishonesty. Reputation was a powerful institution within the Roman context, and it was one that was

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understood to be particularly important for merchants. For this dissertation, reputation is an invaluable entry point into the social and economic lives of merchants, for understanding how an informal institution could exert pressure on retailers, transporters, artisans, and service providers, and shape the economic landscape at every social and economic level.

“The Very Nature of their Business”: Merchants in the Later Roman Empire:

In approaching merchants in the Roman Empire, it is important to establish parameters for definition, scope, and evidence. This is especially true in a project that does not intend to utilize structures or categories provided by the Roman state as its starting point. Yet, even if its intent were to do so, the law of the Roman Empire does not provide a clear delineation of what constituted a merchant, and what did not. The Prices Edict, as an example, describes merchants as venditores, literally sellers, but immediately follows that label with emptores, buyers, by which the Edict seems to mean trading middlemen, rather than actual consumers.53 Already this complicates matters,54 and the situation grows no clearer within the long lists of the Prices Edict, which include references to the buying and selling, not only of goods, but also of labor and services, performed by artisans and craftsmen, as well as specialists in writing or instruction.55 The Edict is more comprehensive than most other Roman legislation, and it is hesitant to limit

53 Edict, Preface, Line 122
54 Romans have a functioning notion of “middlemen” traders, and, like most conceptions they seem to have had of merchants, such were not viewed as contributors to the economy. In general, merchants do not perform “labor” as such, see Giardina, “The Merchant.” for discussion.
55 Edict, Section 7, 1-76
itself to the restriction of any single kind of merchant, or to define that category for itself or others.

This dissertation will take a broad definition of “merchant,” not through any confusion over what constituted one, but from a desire to include the great variety of activities that rightfully belong in this category. In what follows, a merchant will be defined as “one who creates a moment of exchange.” This definition includes anyone who, as a whole or even a part of their livelihood, sold some kind of goods or service. Thus, this dissertation will, at times, consider the social and economic lives of everyone from small-scale agriculturalists, marketing their excess produce or selling their labor, to large-scale shipping magnates, hauling thousands of measures of grain across the Mediterranean or beyond. Within the category of merchant will be those who produce and sell crafts of various kinds, those who transport the products of others, exchanging primarily with wholesalers and retailers, and those who provided services, such as changing money, or sold their skills such as writing or legal knowledge. It includes both those with a definable profession that seems to have been theirs for a lifetime, as well as those whose work was variable, seasonal, or otherwise contingent upon specific circumstances.

This definition, “one who creates a moment of exchange,” is intended to cover those who bartered their goods or services, as well as those who used money, and it encompasses all those who traded commercially, whether occasionally, periodically, or regularly. The flexibility inherent in this definition is designed to expand our view to the maximum, including anyone who needed to make any one of a shared set of common economic choices, such as when to go to market, what price to charge for goods or labor,
with whom to trade and under what circumstances. These choices presented challenges, but they were challenges faced by all merchants. Some were better equipped than others to meet them, possessing more material security or better information, but, being faced with the same struggles, the same institutional limits, it is the contention of this dissertation that they developed similar strategies to lead successful, or at least economically viable, lives.

This definition is, intentionally, maximal in its scope. It has intended to capture producers of non-agricultural goods, service providers, retailers and wholesalers, who are a motley assortment of figures. The borders around them may be somewhat permeable, in that it is easy for a buyer in one context to turn around and become a seller in another. A consumer quickly becomes a retailer if there is sufficient incentive to sell something they have, but this role can be evanescent, and they can easily slip back out of it. Middlemen traders constantly occupy a role as both buyer and seller simultaneously, shattering any imagined binary between the two. Yet merchants are connected by the shared moment of exchange, where they become active figures, offering, cajoling, bartering, and selling. This moment requires that they adopt a set of strategies, either practiced with constant use or learned by observation from the other side of the exchange, to resolve the challenges mentioned above. The moment of exchange is not linked to specific circumstances of time or place but can happen casually or within highly formal and structured contexts, at a taberna over drinks or in a contract with the state, but all share some essential concerns and some plausible strategies.

Yet this dissertation takes not just those who initiated economic exchange as its subject, but specifically those who did so within the confines of what this project calls
“the later Roman Empire.” These qualifiers set both chronological and geographical limits to this work that have important ramifications for both the source material used and the conclusions that this dissertation will reach. This dissertation considers the years 100 to 400 CE. The boundaries of this period are somewhat flexible to accommodate a few exceptional sources of evidence, but in the main, the focus is placed on merchants in the 2nd through the 4th centuries CE. These centuries have been, historically, considered to be a period of great transition. Politically, the period spans the shift from the Principate to the Dominate, including the political upheavals traditionally known as the “crisis of the third century.” In terms of religion, this period oversaw not only the rise of Christianity, but also its adoption as a state-sponsored faith. Among both social and economic historians, it is commonplace to argue that that major changes were taking place in this period, visible in signs such as the dramatic debasement of Roman coinage, changes to the taxation system, the threat and actualization of foreign invasions recorded in the dwindling numbers of literary records, and major shifts in the archaeological record, including fortification and retrenchment.

56 A terminology borrowed from Jones, The Later Roman Empire, 284-602, though this project both begins and ends far earlier than Jones. Its emphasis is on the comparative later, in that this dissertation is not focused on a Julio-Claudian, or even Flavian, merchant experience. It does not, however, attempt a study of Byzantine merchants proper.
57 Particularly some evidence from Pompeii and some late antique texts, especially those from the Roman legal and Jewish traditions. This evidence aligns well with the evidence from within the period but enhances that evidence with its greater extent and concise case studies.
58 For this historiographical construct see: Cleary, The Roman West, AD 200-500, chap. 1.
59 See Katsari, The Roman Monetary System; Burnett, Coinage in the Roman World. but also Estiot, “Le Troisième Siècle et La Monnaie.” for a revision of what the coin hoarding patterns might mean.
61 Disputed by Cleary, The Roman West, AD 200-500. A more traditional interpretation is Ward-Perkins, The Fall of Rome. It seems likely that the balance lies somewhere between the two and depended heavily on where (and when) one was in the “later” Empire, see Wickham, Framing the Early Middle Ages. as he reflects on the years before his period.
While this project does not intend to engage in the debate surrounding these changes and what they might mean for Roman social and economic life, it does intentionally straddle this period with the underlying intention of determining if there were any substantial changes in merchant experiences or strategies as a consequence of these shifts, and particularly in light of market volatility, which is commonly seen as a feature of the economy of the Roman Empire. It finds, on the whole, a high level of continuity in merchant self-presentation across this period, as well as a set of strategies that merchants seem to have used even beyond these chronological bounds. While the political, social, and economic contexts of other periods are undoubtedly as important to merchants in those times as those same factors are to traders in the Roman Empire, preliminary soundings into earlier and later periods have suggested that merchants had long faced, and continued to face for centuries after, similar kinds of challenges. Consequently, it is possible that they would responded to those challenges in similar ways. Though beyond the scope of this project, the work of this dissertation suggests that its principal conclusions could have relevance for the study of merchants both before and after the later Empire.

The Empire itself forms the geographical extent of this project. Earlier scholarship on merchants has generally restricted its inquiries to a specific geographical area, most often some part of Italy, but occasionally Egypt. There are rich concentrations of sources in these places, but the similar conclusions reached by these studies make it

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apparent that the experiences of merchants in these places, their challenges and strategies, were largely congruent with one another. While merchants might trade in different goods or be visible to us through different kinds of evidence, it seems that they were subject to similar institutional limits and developed similar methods, despite the distances that separated them.

Thus, the merchants of the entire Roman Empire are subjected to analysis in this dissertation. Consideration has been made throughout for potential variations that might have occurred based on region or on factors such as urban or rural settings, but this dissertation will argue that, on the whole, the experiences of merchants were more influenced by the extent and influence of their social network than they were by the place they lived in. Not only has this project found that potentially untypical regions, such as Roman Egypt, provide evidence for merchants operating under fundamentally similar sets of challenges and adopting parallel strategies to their peers across the Empire, but evidence from the corpus of late antique Jewish texts, compiled in Palestine, Egypt, and Babylon, has also suggested that the boundaries of the Roman Empire may draw artificial lines around the experience of ancient merchants, broadly understood. Thus, while this dissertation limits itself to evidence from within the territorial confines of the Empire, this project has opened up potential avenues for approaching the ancient world, understood more broadly.

These temporal and geographical bounds place constraints on the evidence available for consideration, and the extracts of Dio and the Prices Edict with which we began this introduction demonstrate some of the challenges that the source material poses for our study. While we are provided with a wealth of sources both created by and clearly
about merchants, we lack a full narrative of a merchant’s social or economic life that we may take as a prototypical, or even a test, case. The evidence we do have comes to us in a variety of ways, through many different types of media and accidents of preservation. Each type of evidence, as well as each individual text or object, comes with interpretative challenges and unique biases, but simultaneously offers us different perspectives that greatly enhance our understanding of the central challenge: understanding merchant activity and its reception. These sources, which range in material from archaeological sites to papyri, from literary texts to stone reliefs, from wall-paintings to inscriptions, allow us to reconstruct what merchants were doing, along with some of the reasons why.

Each of these types of evidence comes with different interpretative challenges and limitations. Texts and material culture require different approaches that take into consideration not only the circumstances and motivations surrounding their creation, but also the history of their preservation or recovery. It is worth noting some of these challenges here, though these issues are addressed throughout the project. First, the literary texts analyzed in this dissertation come from a broad range of contexts and genres, including orations, novels, letters, and theological texts. Each of these categories, along with others, are driven by the needs of their authors and fit into constraints proscribed by the audience’s expectations. These expectations allow us, in some cases, to take anecdotal evidence pertaining to merchants from works of fiction, especially when the anecdote refers to merchant activity in passing, rather than as part of the main narrative of the text, which is more likely to be presented in humorous, satirical, or hyperbolic ways. When merchants are found at the fringes of such texts, they are more
likely to reflect a plausible world that helped the audience to suspend their disbelief.\textsuperscript{65} In other texts, the challenge is more often assessing the author’s rhetorical intentions to determine where merchants fit into largely arguments or discussions. This is especially true of anecdotes from orations and from theological texts, where merchants are seldom central, but are commonly presented as examples to further the author’s argumentative point. These are often stereotypical, and their similarities to other texts allows us to locate their perspective and understand how this view of merchants developed.

Second, papyri and inscriptions offer us access to a different set of authorial voices but come accompanied by different challenges. The most obvious of these is the tendency toward fragmentation and \textit{lacunae}. Partial records pose a challenge to interpretation, and it has been necessary, throughout this project, to either rely on or challenge the interpretations of the textual editors. Both papyri and inscriptions also come with material considerations. Beyond a text, which is accompanied by its manuscript tradition, papyri and inscriptions may be tied to a specific geographical context. Ideally, this context is archaeological and systematic, but preservation is not always so clear. Many inscriptions come without such information, making it difficult to tie their content to a particular place and time.

This remains true of the material evidence used in this dissertation, our final category. This is broadly taken here to include monuments, vessels, wall-paintings, buildings, and mosaics, all of which are similarly tied to an archaeological context in an ideal world. These contexts allow us to place merchants, or their goods, in specific places.

\textsuperscript{65} As argued in Millar, “The World of the Golden Ass”; Verboven, “A Funny Thing Happened on My Way to the Market: Reading Petronius to Write Economic History.”
and to say something about the material that supported (or gave lie to) the claims they made about their personal prosperity. Without these contexts, we rely on what we can glean of the choices merchants made in selecting particular images or objects to represent them or serve their needs. This is a subjective process that requires significant work to place objects alongside valid comparanda for which we have more information.

All these types of evidence, as well as the forms of self-presentation that they represent are, of necessity, locked into their specific and limited temporal and geographic contexts, and these are critical to our readings, even if we do not have all the details for a particular case. Few sites offer a broad enough sampling of evidence to permit us to make generalizing statements about merchants as a group, either by our definition, or by contemporary understandings. The few places that deviate from this, sites with remarkable preservation such as Pompeii or the detailed records that have been found in Egypt, have been regularly presented as, at least potentially, atypical of social and economic life in the broader Roman world. Whether our evidence comes from these places, or from elsewhere, most often it illuminates the actions or character of a single merchant at a single point in his or her life. Commonly, the evidence leaves us without recourse even to further details about that life, let alone a broader understanding about Roman merchants.

Nevertheless, these disparate attestations do offer some cases that seem to be parallel and provide some hope that we can extrapolate from their unique details to a more general set of circumstances and approaches. Lest we succumb to wishful thinking,

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66 Olmsted, *The Small Group*, 21. “A plurality of individuals who are in contact with one another, take one another into account, and who are aware of some significant commonality.” See chapter five for full discussion.
it is critical to establish a set of plausible options for Roman merchants in their social and economic lives, and to present the specific actions of individuals as, in all probability, common strategies adopted by merchants among a much broader set of possibilities. These strategies are selectively, not comprehensively, addressed in this dissertation so that we may delve deeply into those which are best attested to assess the extent to which those strategies were the most commonly adopted.

Since, theoretically, a merchant might choose to do anything in response to a given situation, it is important to establish where the bounds of possibility lay in Roman social and economic activities. In part, this dissertation approaches this challenge through the collection of a wide variety of evidence, from which it is possible to extract similar strategies, but this project also relies on a careful examination of merchant anxieties to help delineate the possible and the impossible. Sources that betray the worries of merchants can demonstrate for us where the lines fell between typical actions, those that were unusual but acceptable, and therefore risky, and those which transgressed major social norms. In some cases, it is not merchants, but elite authors, like Dio or Diocletian, who seem to be attempting to set up the boundaries that would limit merchant choice, and we must question the extent to which their perspective was able to shape the norms of a social and economic group to which they did not belong. Their anxieties developed for different reasons than those of merchants but may have been felt within merchant communities through structures of patronage or local administration.

In some cases, we may triangulate these perspectives with merchant anxieties, as well as with the informal and formal limits suggested by NIE, thereby bridging gaps between the social worlds of elite authors and the experiences of merchants, artisans, and
tradesmen. In other cases, we can occasionally supplement our understanding with recourse to more general statements from Roman popular culture: the record of graffiti, educational material, books of common sayings, and even anecdotes drawn from novels and drama. These sources offer us a context from which we may determine actions that may have transgressed, and those which seem to fit into societal expectations.

Much of the time, the texts do not align neatly, thereby offering us a window into the broader set of possibilities available to merchants, or to instances where merchants faced remarkable, or even unique, challenges. These cases are among the most fascinating and generate the most potential for future work. Parallels in texts lead us toward a model of the optimal career for a Roman merchant, the one that made the best use of social norms and social capital to maximize profit and economic success, but discontinuities rightly remind us of the diversity of merchant experience and of the creative problem-solving strategies that were necessary throughout the social and economic lives of Roman merchants.

**Chapters:**

In structure, the dissertation falls into two complementary halves. In the first half, as a means of addressing the current scholarship on the Roman economy and the role of merchants within that economy, the relationship between the Roman state and merchant actors is put to the fore. The fundamental questions of these chapters are: did state, or formal, institutions place limits on merchant life in the later Empire, and, if so, to what extent, under what circumstances, and how? Variations on these questions have been posed by others, but have rarely been addressed from a point of neutrality, asking if they
did exist or occur, but, rather, have been drawn from the assumption that they did, with the only major dispute being “by which mechanism(s)?”

From this perspective, it is possible to examine state and formal institutions and to determine the true limits of their efficacy, and, critically, their intentionality. The first chapter begins this process by addressing the notion of a “strong state” in the later Empire, through the lens of a set of legislation that has been interpreted as the systematic regulation of merchant ship captains by the state. As legislation is commonly presented as the means through which the state limited economic choices and activity, it is critical that this class of evidence be examined on its own terms. The chapter deconstructs the notion of systematic legislation preserved in and through the compilation of the Theodosian Code, and thus dismantles the idea that the state intended, or was able, to bind ship captains to hereditary service to the Roman *annona*. Rather, the chapter reveals that, through at least the 4th century CE, merchants retained significant agency in their relationship with the state and worked for the *annona* by choice. They did so on their own terms because of the specific privileges that that work granted them, and even worked to defend their privileges from others who sought to usurp them.

The second chapter looks more closely at intentionality in state economic activity using a case study on price fixing in the later Roman Empire. By looking at the legislation surrounding prices, and the reactions to those laws from state officials, contemporary historians, and hostile witnesses, it is possible to reconstruct the

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67 Though the date of the compilation of the Theodosian Code sits outside the chronological boundaries of this study, the vast majority of the law considered were promulgated between the reigns of Constantine and Arcadius and Honorius. Texts will also be considered from the Justinianic Code and the Digest when their date of composition falls in the 2nd to 4th centuries.
circumstances in which the laws were issued, and how they were both received and implemented. Looking, in particular, at the Edict of Maximum Prices, we can see how the law was not necessarily designed to be the optimal means of resolving the pressing issue of inflation, but rather how its rhetoric was intended to present the role of the emperor as a benevolent protector. These laws, as well as others before and after the Tetrarchy, promulgate an idea of the emperor as a guardian not just of the Empire’s prosperity and security, but of its moral well-being. Merchants are an essential tool in conveying that message, as they were used as a scapegoat for both economic instability and moral degeneracy. Blaming merchants, and especially their greedy nature, was already an essential part of Roman culture, and greed was a particularly common accusation.

Yet, as the case of the Edict of Maximum prices shows, this rhetorical position, with the emperor stationed as the protector of the people against the threat of greedy traders, was only as powerful as the intermediaries who passed it along and the audiences that received it. The evidence demonstrates that many provincial governors neglected to transmit the full intentions of legislation, sticking to the main provisions without copying out the justifications, which hindered imperial will being fully communicated. In the unusual cases where these justifications did reach the population, the claims made did not go uncontested. Particularly in the 4th century, hostile, Christian authors strongly contested imperial claims to goodness, and they broadcast their doubts to their congregations and beyond.

The problem of transmission of imperial intentions is elaborated upon in the third chapter, when the focus turns to local law and its enforcement. In particular, this chapter addresses the position of merchants vis-à-vis the state through a close examination of the
law and practices around customs and tolls. As merchants traveled with goods to sell, they crossed numerous borders and encountered specific, hyper-local laws that regulated the cost of their transit. These laws do not immediately align with imperial laws on these matters and suggest that the legal landscape of the Roman Empire was a pluralistic one, where practice thoroughly trumped any theoretical imperial will.

These local laws were established and enforced by officials who operated within small communities, and whose influence was stronger, within that limited sphere, than that of the distant imperial state. These local officials were the face of the state for the merchants who worked in the area, and the relationship between customs officers and traders was hardly an impersonal one. Whether the interactions took on a friendly cast, as is suggested in some of the sources, or were hostile and predatory, as is evident in other cases, it is clear from our evidence that it was through the development and improvement of these ties that many merchants were able to make their living.

While the power dynamics between officials and merchants established boundaries that limited certain merchant behaviors, the need to establish positive relationships was not exclusive to merchants approaching the customs house. In fact, the authority held by officials may well have been less influential on merchants than that exerted by local elites, who appear even in Roman legal documents as individuals who attempted to circumvent state prohibitions by exercising their power at local and regional levels. Patrons of this kind would have been useful to merchants, as they could assist their navigation of state systems, as well as bolstering their position within the local community. Though these ties required social and economic services, they may have generated more income and security than they cost.
Nevertheless, this view continues to perpetuate top-down models that are not necessarily accurate reflections of the experiences of Roman merchants. As our evidence demonstrates, even without such local elites, merchants needed to secure positive relationships with a wide range of peers, competitors, and customers. These connections could be and were developed without the influence of state or elite powers, as merchants moved through, as well as lived and worked in, communities in the Mediterranean world. Neighbors, friends, business partners, and family all exerted influence on merchants and constituted a major portion of their social worlds. Merchants considered how their actions would affect those around them, and how their behaviors would be interpreted by them. Social status within small, interpersonal communities was often a central concern for traders who sought to secure economic advantages in the long- and short-term.

In the second half of this dissertation, the social and economic influence of informal institutions becomes the focus, and the social and economic landscape is analyzed without placing the state at a position of central influence on merchant strategies. Informal institutions created significant structures for economic activity, whether or not that activity involved the state, and constrained the choices available to merchants. Due to the great number of potentially crucial institutions, some of which have been considered by other scholars already, the second half of this dissertation takes the institution of reputation as its focus. Reputation is an institution that limited merchant choices in both the short- and long-term. It is one that actively engaged the community as judges of words and actions, as well as as transmitters of information about those behaviors. As a result, reputation is an institution that requires an audience, and the larger the audience, the more pronounced that reputation can be. To have no reputation is to be
a friendless stranger, whereas to have a well-known reputation implies either fame or notoriety, but always suggests a robust, if not necessarily friendly, social circle.

Within the Roman world, reputation was recognized as a powerful institution. Not only do merchants, and others, commonly refer to their hope that they will have a good and lasting reputation, but, by utilizing references to reputation in popular and educational media from the Roman world, it is possible to demonstrate that reputation was considered an essential tool, especially in economic circumstances. A good reputation was understood to have concrete financial benefits, while a bad reputation could severely restrict economic opportunities.

Chapter four analyzes the reputation strategies of individual merchants to assess which they chose to use, and what essential facets of their character they hoped to transmit and preserve. The latter is important, because much of our evidence for the reputation of Roman merchants is found in funerary contexts, where it is posthumous reputation that is preserved. Rather than generating a reputation for the deceased, these attestations, mainly funerary reliefs and inscriptions, present the summary of a merchant’s life, including the features that they or their heirs felt were the most vital. Many of the inscriptions stress two elements in particular: first, the position of the deceased as an important contributor to his or her community. Though that community may be the family of the deceased or a wider collection of friends, neighbors, and peers, it is common for merchants to make an attempt to locate their lives within a larger social circle in their funerary monuments. Second, major emphasis is placed on the moral goodness of their characters. Honesty and trust are traits that are particularly common, not only because they were useful characteristics for traders, but also because they were a
response to a specific set of accusations that were commonly leveled against merchants in Roman society. Both of these elements are strong indicators of the posthumous reputations that merchants hoped to preserve. In relation to both their personal and business reputation, merchants endeavored to show that they were neither isolated nor morally flawed. This preserved a positive vision of themselves that, whether or not it helped their heirs in continuing their business, nevertheless allows us to trace continuities in self-representation from our more limited corpus of evidence for living reputation.

Though this body of data is sparser, the chapter examines several useful examples that show merchants using similar techniques in their lifetimes as in their funerary monuments. One feature shared by both living and posthumous reputation strategies is an emphasis on place. Place is an essential tool for merchants as it both generates a community for the merchant, their neighbors in that space, and is a means for preserving memory once a merchant has died. Space, particularly as part of a landscape, analyzed in this chapter through the theoretical lens of Lefebvre’s “representational space,” retains associations in the minds of those who move through it and live in it.68 Roman merchants knew this by experience, and ultimately harnessed it as a means of describing their reputation. By connecting themselves to a particular place they adopted its associations and meanings and availed themselves of the memories of those who lived there, turning those people into evidence for their good reputation.

The fifth chapter moves from individual merchants to consider groups of merchants and the strategies that they adopted when acting collectively. This transition permits us to see how extra resources could affect reputation strategies, and how group

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68 Lefebvre, *The Production of Space*. 
dynamics influenced merchant decision making. Groups were usually committed to the achievement of some common goal or set of goals. Among Roman merchants, this often combined the development of social ties with the creation of economic opportunities and is often visible through donations to the community made by the group.

These projects not only reveal how merchants collaborated, but also how they responded to the stereotypes that circulated about them. In the Roman world, these stereotypes circulated at numerous levels of society, and, by the imperial period, they had taken on a fixed shape that cast merchants as dishonest opportunists who took advantage of their customers, their communities, and each other. This perspective requires significant cognitive dissonance, as merchants were both an abstract “group” that the community could stereotype and specific individuals with personalities that neighbors, friends, kinsmen, and even acquaintances knew. While the generic merchant might be greedy and antisocial, the specific merchant was likely to be a friend or colleague, a familiar face and a useful contributor to society.

In their reputation strategies merchant groups sought to differentiate themselves from these stereotypes, presenting themselves as exceptions to the rule by displaying their public mindedness, their responsibility and trustworthiness within the community of merchants, as well as by advertising the well-regulated groups to which they belonged. These groups made their rules a matter of public record and used them to protect the reputation of the group against any embarrassment or betrayal by individual members. As the chapter concludes, groups not only provided opportunities for merchants to engage in reputation strategies that they could not afford or display on their own, groups also had
their own reputations that were protected by placing institutional limits on the choices of their members, who obeyed its rules in order to secure the benefits of membership.

In the sixth and final chapter, attention is turned to the dissemination of reputation. Though this matter is discussed, indirectly, in earlier chapters through the consideration of the various forms of media that individual merchants and merchant groups used to display their reputations, in this chapter the issue is addressed through the close study of two means through which reputation spread: letters of recommendation and introduction, on the one hand, and gossip, on the other. These two means allow us to juxtapose one written and one oral context in which information about reputation changed hands. Through them we may analyze what means of communication was useful for what kinds of information. Letters of recommendation and introduction, a common tool for facilitating travel for merchants and for extending social networks among tradesmen, were essential for spreading positive reputations for merchants operating in new places. Though the forms of these letters were, to an extent, predetermined, these documents provided mobile tradesmen with a piece of their good name from home through the triangulation of a reputable colleague’s words, the reception of the new host, and the words and actions of the merchant himself.

However, letters were designed to be read by and circulate within a relatively small audience and were most effective when they were supplemented by conversation that spread reputation through further social and commercial networks. The oral communication of this information was often casual gossip, conversations that spread
information about a person behind his or her back. This gossip was not necessarily malicious; it was often undertaken as a matter of course by merchants and other community members who shared information as it seemed relevant or interesting. At times, these conversations spread reputation information unevenly or unpredictably, and there was a tendency for negative information to outstrip the spread of positive data, because negative details were more sensational and often appeared more useful, warning others against involving themselves with bad members of the community. Nevertheless, gossip was a tool that helped to construct the community as well as inform it. Gossip assisted the development of trust among traders and their communities by providing opportunities for individuals to choose those with whom they would to share information, and those who would be kept in the dark.

However, despite its utility, and like many of the aspects of merchant life discussed in this project, gossip was associated with strong and pervasive moral connotations. Our sources are clear, even as they themselves gossip, that gossiping was bad. Merchant activities fall into a similar category: even as they engaged in exchanges, they acknowledged that people who engaged in exchange were bad. The moral landscape of the Roman world is never far from the surface in our sources, whether they come from merchants or from their elite contemporaries. Being, and being perceived as, a good person, not merely a good, or successful, merchant, was central to their motivations, and it is evident throughout their activities. This dissertation notes the moments of cognitive dissonance present in our sources and argues that these moral concerns were normative in

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69 Wickham, “Gossip and Resistance among the Medieval Peasantry,” 11., “talking about other people behind their bucks,” see chapter six.
the social world of Roman merchants. More than that, they were institutions that shaped the merchant experience, determining which strategies they chose to pursue, which constituted a worthwhile, and which a worthless, risk.

As the following discussion shall demonstrate, merchants acted as the result of a careful calculation that balanced the needs of risk reduction and profit with those of social status and the presentation of moral virtues. As this dissertation argues, neither financial gain nor social position was perceived as more practical by Roman merchants. Both were equally necessary. To be a good and successful Roman merchant, one had to be a good and successful person.
CHAPTER 1: Un-tying Roman Merchants

This chapter presents a first challenge to the generally-held assumptions about the role of merchants in the Roman economy, particularly questioning the power and control of the state and its often-presumed enforcement capabilities. Its approach is, at its broadest, institutional, with the attendant belief that the state, its laws and magistrates, was an agent in the economic landscape that imposed limits upon economic behavior. It will, however, assert that merchants, as individuals and as collectives, were also agents, and that their actions also served to constrain and structure the economic world in which they operated.

More particularly, the chapter addresses a common hypothesis about merchants in the Roman economy. It seeks to refute the teleological argument that the Roman state was inexorably becoming a controlling, dominant force that could and did impose its will on the economy and society. It will do so by joining a growing number of scholars who seek to dismiss the outdated concept of “tied professions.” The examination of this long-standing error in the reading of the legal sources will focus primarily on the legislation surrounding the navicularii, ship captains, and their service to the annona, the grain dole. This group has consistently dominated the discussion around “tied professions” due to the large number of laws preserved, and the supposed importance of the group in the economy as a whole. The discussion here will cover not only the laws themselves, but also the contention that they represent the interconnected and dependent components of a single, articulated system through which the state sought to control the economy and society. This chapter will argue that this belief cannot be sustained from the evidence we have in the legal codifications of Theodosius and Justinian.
When the argument for this system has been dismantled, it will be argued that the force of these laws was expressed unevenly. Merchants could, depending on their personal status or geographical location, utilize an array of options for negotiating with the state to secure better treatment. Evidence shows that those who contracted with the state jealously guarded the privileges they received in return for their service and readily navigated the legal world, both as it was written and as it was enforced by local officials.

Finally, this chapter will contend, drawing on the arguments of Peregrine Horden and Nicholas Purcell,\(^{70}\) that the long survival of the “tied professions” hypothesis is the result of the undue focus by scholarship on “high commerce:” long-distance, high-volume trade that is characterized by its relationship with the state and its mechanisms. State trade, generally, has been too dominant in analyses of the economy, and little consideration has been given to “low commerce:” short-haul, small-volume trade. This trade is, on the whole, more characteristic of exchange in the Mediterranean world, and the experiences of these merchants is more reflective of the majority than the relatively privileged few who operated the Roman grain fleet. It is by adding the perspectives of smaller-scale traders in this chapter and in those that follow, that we will create a more accurate reading of merchant activity that may, eventually, clarify existing models of Roman social and economic life.

Of course, the petty trader and the merchant tycoon are extremes at the end of a long and multi-faceted spectrum.\(^{71}\) At the individual level, it is often difficult to identify

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\(^{71}\) Not directly addressed in this dissertation is the uppermost end of that spectrum, elite and even senatorial traders. For information on these merchants, see: Schleich, “Überlegungen Zum Problem Senatorischer Handelsaktivitäten, Teil I”; Schleich, “Überlegungen Zum Problem Senatorischer Handelsaktivitäten. Teil LI”; also D’Arms, *Commerce and Social Standing in Ancient Rome*, chap. 3.
where a merchant belongs along the line. The matter is complex and made more so by the fact that it was in the interest of merchants to present themselves as more successful than they truly were, as part of a bid for social prestige and to “fake it” until one “made it.” Evidence shows that, at least periodically, merchants tried to co-opt the privileges the state granted to the more elite members of the navicularii. However, these men were clearly not employed by the state, and have been assumed to be less commercially successful than their state-employed peers. Yet, they were, apparently, indistinguishable, from true navicularii. They performed the same or similar duties, but never enjoyed formal contracts with the state.

From an institutional perspective, these merchants flaunt the limitations of our categories. This was a population of free merchants whom the state struggled to track, and, importantly, tax. Consequently, though we know of their existence, and may make some deductions about their social and economic lives, we struggle to find them in the legal sources that dominate this discussion. By refocusing our attention on small-scale trade, cabotage or exchanges in local markets, we can begin to define the ways in which the state engaged with trade, find more of the merchants along the spectrum whose work was not immediately visible to Roman officials, and avoid making assumptions about the state and its will.

The Historiography of Tied Professions:
The bibliography that defines and utilizes “tied professions” as a central or even ancillary part of commerce in the later Roman Empire is vast and the development of the “tied professions” hypothesis has been an international effort. The following synthesis
can do little more than sketch the broad outline of this idea’s trajectory. It has interwoven itself into some major debates in the field. It is prevalent in discussions about the legal and practical functioning of the *annona* but features in larger discussions about the nature of the Roman economy, the role of the state in that economy, and the history of *collegia* as an institution.

The complexity of the issue has led to several major points of contention. First, the exact mechanism by which professions became hereditary. This debate centers on the burden of the *munus*, the legal obligation that this service was believed to be, and whether that burden lay on a merchant’s property, and therefore his son’s inheritance, or in his person, as a social, economic, and legal status akin to slavery. Second, the exact definition of, and delineation between, *collegia* and *corpora* is contested. These seem to have been two different, though similar, institutions that appear to have categorized merchants and defined their relationship with the state.

In the following lines, I will lay out two extremes that illustrate the main trends of the current debate. On the one hand, there are those who believe that merchants in the later Roman Empire were bound to their professions. These merchants and their children were tied to specified, obligatory, and hereditary services to ensure that the state was always provided with the goods and services it required. Furthermore, in this case, imperial laws are read as a kind of social engineering, which created a structured class system that solidified over the course of the later Empire. On the other hand, a number of scholars now believe that this was not the case, and that the laws are concerned, first and foremost, with ensuring that these services were performed, regardless of how they were fulfilled or by whom. In this case, merchants were not hereditarily bound to complete
services, but they were responsible for seeing that they were performed by someone, as and when the state was able to enforce the law. As a result, it was possible to pass *munera* on to non-family members, or to be excused from duties on the grounds of poverty or having left a profession.

The former extreme originates in the late 19th century, in the work of Jean Pierre Waltzing, who argued strongly that merchants were bound to their professions, that their sons were compelled to inherit their father’s profession, and that *navicularii* were bound to render, in perpetuity, services to the Roman *annona*. He proposed a gradual development from *collegia* to *corpora*, but conceived of state control of the latter as absolute. Waltzing believed not only that all shippers and bakers were bound to serve the state, but that, by extrapolation, the terms applied to the *corpora* of these professions could be applied to other kinds of business, so that gradually the state came to control all trades, whether it was directly related to state needs or not. The argument was an influential one, and while most have accepted some nuance to the original thesis, the position of many scholars may be traced back to Waltzing’s comprehensive treatment of professional organizations and his masterful presentation and interpretation of the sources.

His position has been adopted by many scholars since the completion of his multi-volume work in 1900. Michael Rostovtzeff, for example, echoed Waltzing in his belief

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72 Built on growing interest in, and momentum towards, understanding the organization of the late Roman world, particularly as an example of a “strong state,” as in, e.g. Mommsen, *De Collegiis et Sodaliciis Romanorum*; Matthiass, *Zur Geschichte Und Organisation Der Römischen Zwangsverbände*.
73 Waltzing, *Étude historique sur les corporations professionnelles chez les Romains depuis les origines jusqu’à la chute de l’Empire d’Occident*.
74 Waltzing, 188–95 Vol. 1.
75 With support coming from Groag, “Kollegien Und Zwangsgenossenschaften Im Dritten Jahrhundert”; De Robertis, *Storia delle corporazioni e del regime associativo nel mondo romano*; De Robertis, “Il Corpus
in tied professions but attributed the changes in the status of *navicularii* and others to Aurelian, rather than to Constantine, connecting what he called the “nationalization of the associations” with the growing militarization of the imperial administration and Aurelian’s increases to the *annona* in Rome. He saw the origins of these changes in the Severan period, and, though he believed that the militarization was ultimately temporary, he stated that the provisions first put in place for the supply of Rome were “doubtless” extended to other major cities and eventually to the whole empire. Rostovtzeff, like many others, sought to refine Waltzing, and placed the greatest emphasis, not on whether Waltzing was right or wrong, but rather on when and exactly how his hypothesized “ties” were instituted.

One of the greatest defenses to date of the position has been made by A. H. M. Jones in his article, *The Caste System in the Later Roman Empire*. In this article, Jones argued for the full stratification and fossilization of late Roman society, though he made allowances for regional variation, the most significant of which was the absence of hereditary guild membership in Constantinople. Jones, however, linked tied professions into a number of large, complex debates, and equated the service of *navicularii* and *pistores*, bakers, with that of both *decuriones* and *colonii*. Equating the position of tradesmen with local magistrates and agricultural workers continues to be a common

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practice, even among those who doubt the existence of compulsory professions, and it is perhaps the greatest legacy of Jones’ reading of the sources.

His other major contribution was the first reference to a problem that ultimately underpins the entire issue. Faced with evidence of the Roman government periodically needing to enlist new navicularii and other professionals into its corpora, Jones notes that the state had an ongoing problem when it came to enforcing its will upon merchants. Some professions, he claims, and contrary to his over-arching theory, were probably never compulsory. For other professions, their relative liberty fluctuated over the period, while, for others, service was compulsory, but loopholes, legal or otherwise, were used to escape the financial or physical duties. In response to this problem, Ramsay MacMullen proposed rampant bribery as a possible explanation for how so many were able to evade these responsibilities. He imagined that wealthy benefactors paid off officials to ignore the fiscal responsibility of their clientes, and identified this as a major benefit to traders who acquired patrons in the late Roman period.

While this position has some support in the legal evidence, as we will discuss below, Jones attributed this same flexibility in tied professions to minimal bureaucratic institutions, insufficient registrations for changes of profession, and a limited number of civil servants charged with keeping records. This is an issue to which we must return, since there is, as A.J. Boudewijn Sirks has noted, a contradiction here: on the one hand, Jones insists that the Roman state used its power to tie men to their professions, yet, on

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79 Sirks, “Did the Late Roman Government Try to Tie People to Their Profession or Status?”
82 Sirks, “Did the Late Roman Government Try to Tie People to Their Profession or Status?,” 162.
the other hand, Jones himself recognizes that they lacked the power to tie men to their professions.

This paradoxical interpretation of the evidence largely escaped scholarly notice in the years following Jones’ article. Moses Finley, who is generally dismissive of the importance of trade, included tied professions as, “the irresistible end of a long development” in Roman trade.\textsuperscript{83} His view cemented the idea in Anglophone scholarship and the work of the 1980s reflected his endorsement of the hypothesis. However, one of the most recent and powerful defenses of the idea came in Lietta De Salvo’s masterful work on the *corpora naviculariorum*.\textsuperscript{84} The penultimate chapter tackles the issue of tied trade specifically and it is clear that, fundamentally, she remains a supporter of Waltzing’s position on the development of *corpora*.\textsuperscript{85} However, she also argues that the *munus*, the duty to the state, was borne by both the shipper’s property and his person. Thus, she maintains that if a *navicularius* sold his property, he could pass the *munus* to another person, but that the *munus* was also a hereditary burden that automatically passed to one’s heirs.\textsuperscript{86} Her reading of the sources is careful and productive, but she is unable to offer an explanation for the frequent repetition of promises and prohibitions in many of the legal sources, a feature that is inextricably linked with the paradox appearing in Jones’ work. She does not treat issues of enforcement at all, thereby undercutting an otherwise magisterial treatment of the topic.

\textsuperscript{83} Finley, *The Ancient Economy*, 153. places tied professions into his longue durée vision of the development of liturgies.  
\textsuperscript{84} De Salvo, *Economia privata e pubblici servizi nell’impero romano*.  
\textsuperscript{85} Some doubt was already cast on this point as early as the 1940s. See: De Vissher, “La Notion de ‘Corpus’ et Le Regime Des Associations Privees a Rome.”  
\textsuperscript{86} De Salvo, *Economia privata e pubblici servizi nell’impero romano*, 529–38 esp. 535.
Despite these defenses, resistance to the “tied professions” hypothesis has been growing in strength in recent years, among both legal and economic historians. The first objections were raised in the 1960s and 1970s, when a handful of scholars began to dismantle the argument piece by piece. They showed that service was not compulsory in the 4th century CE, either in the eastern or western Mediterranean, and that literary, as opposed to legal, evidence shows that individuals remained free to choose their profession even after the legal codes were promulgated. 87 Yet, in many ways, the debate shifted in the 1980s as a growing number of scholars noted that the city of Rome was supplied with grain primarily by private, rather than state-employed, shippers. 88 These efforts were primarily focused upon the state of affairs in the early Empire, but their arguments paved the way for the later period, when it became increasingly clear that all those private, unaffiliated merchants could not have been instantaneously absorbed into the institutional and legal control of the late Roman state, nor was there a clear trajectory over the High Empire of merchants slowly ceding their liberties.

The most prolonged and powerful argument made against tied professions has come from Sirks, who, in 1993, building on his analysis of the annona in his Food for Rome, published an article questioning the compulsory nature of guild membership and proposing that the concern of the state had always been the securing of tax contributions,
munera, rather than any kind of social organization or regulation. His article was a detailed attack on tied professions as a concept, and like Jones, he chose to break down not only the experience of shippers and bakers, but also the ties that supposedly bound decuriones and coloni. Sirks concluded that the earlier interpretations could not stand, given the contradiction present in Jones’ article and based on the objections raised by other scholars. In his view, the state did not attempt to form a hereditary class of shippers but sought to close a series of loopholes and to expand categories to identify new people who were eligible to fulfill duties to the state. He notes that this was an evolution from earlier forms of taxation but contends that it lacked any particular aim to limit social mobility or cause shifts in profession. As Sirks puts it, “the criteria for imposing public obligations…left professions as such outside the public law sphere.”

While Sirks’ position rightly liberates merchants from the state’s intentional regulation, his view replaces the contradiction of tied professions that is implicit in Jones’ and, ultimately, Waltzing’s perspective, with an identical contradiction about taxation. Sirks attributes to the state, not a desire to tie merchants to service, but a desire to close loopholes in the tax code. In either case, the state’s intentions remain at odds with its inability to enforce its will. Sirks does not offer any explanation for such consistent failure.

In itself, this failure is neither surprising, nor particularly problematic. However, Jones, Sirks, and others, fall into this paradoxical trap because they presuppose that the

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89 Sirks, “Did the Late Roman Government Try to Tie People to Their Profession or Status?”; Sirks, Food for Rome.
90 Sirks, “Did the Late Roman Government Try to Tie People to Their Profession or Status?,” 174.
91 An issue also raised in Horstkotte, Die “Steuerhaftung” im spätrömischen “Zwangsstaat.” who is skeptical about the accuracy of state assessment and exaction of taxes. His answer is, rightly, to contest the assumed “strength” of the Roman state.
state had engineered and intended to implement a consistent policy. This perspective is only possible through one particular reading of the sources, which is discussed, and critiqued, in detail below.

Sirks’ work was largely concurrent with that of De Salvo, and their two statements on the issue, both of which are equally tenable if we accept the assumption of the state’s continual strength and legal consistency, have largely stifled further discussion. Scholars have continued to follow the side they prefer, asserting its position as basic fact, without reassessing the nature of the sources. 92 It is only in the last few years that attention has again been brought to “tied professions” through the work of Wim Broekaert. In a series of articles published adjacent to his prosopography of shippers and other merchants, 93 Broekaert has reopened the question, hoping to find a compromise between the two positions. He follows Sirks in taking strong issue with the idea that the state intended to tie merchants to their professions, but favors the evolutionary growth of corpora favored by De Salvo and dating back to Waltzing. 94 His compromise is a plausible one, taking the best of the conflicting perspectives, but it cannot resolve the contradiction of a state that legislated one thing, but seems only to have been able to enforce something else entirely.

In fact, a number of problems remain unsolved in the literature cited in this survey, as well as in the field at large. Each is related to a slightly different facet of the issue, but it will be the work of the rest of this chapter to address them through the

93 Broekaert, *Navicularii et Negotiantes*.
primary sources. First, it will be vitally important to address the notion that underpins much of the debate: the nature of the “system,” “policy,” or “consistency,” of Roman legal thought and practice. Next, it will be necessary to examine the forms of interaction between merchants and the state, as a means of discussing the range of, and constraints upon, merchant activity. Finally, we must address the contradictions mentioned above and provide some resolution to the paradox of the power and simultaneous inefficacy of the Roman state.

System and Sources:

Much of the debate has circled around, and been supported by, the notionally comprehensive Roman legal system. The institution of law is taken to be highly influential in the Roman world and to have served as a powerful constraint on economic behaviors, among many others. This institution is, generally speaking, believed to be supported by some kind of consistent imperial policy on, among many other topics, the issue of state-sponsored trade and transportation. This opinion is drawn, in the main, from the abundant source material, which professes itself, in its form and its contents, to be an efficacious and complete rendering of Roman law.

In general, the sources for the “tied professions” hypothesis come to us via the two major legal codifications of the 5th and 6th centuries, the Codes of Theodosius and Justinian, while much of the relevant legislation seems to originate in the reign of Constantine, if not even earlier. The time between initial promulgation and codification, as well as the editorial processes involved in creating the Codes, present us with interpretive challenges, and scholars of these sources have addressed them with far
greater nuance than many of the economic historians drawing upon them. In an ongoing
debate about the Codes, the same issues about policy and intentionality have arisen that
we see raised in the “tied professions” scholarship. In that case, the question of how to
interpret the act of codification is central, and it is through this means that we can find
resolution for the “tied professions” debate.

For the Codes, there is a central methodological challenge to reading and
interpretation: should we read them as a single text or as a collection of context-specific
fragments? In the Codes, the laws generally come to us with a date and record of where
the emperor was when he issued the ruling. The Codes themselves do not explain the
purpose of this information and it leads us to pressing questions: do we view the
Theodosian Code, or indeed the later Justinianic, as a systematization of knowledge,
effective from the moment of publication, or was it a reflection of earlier practices that
were being presented through the selection of the letters and edicts that were still in force
or best reflected that practice? Alternately, if we believe that this was an artificial
exercise that generated law as much as it recorded old legislation, can we say that
anything in the Codes was systematic or comprehensive in the earlier period, or are our
interpretations limited to the moment a law was passed? Did those laws remain in force
for the years following or were they rescued from true- or near-oblivion by the
publication of the Codes? These questions have not been central to the study of the
navicularii, though they have been at the heart of recent debates about the Theodosian
Code’s creation.95

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more recently, Crogiez-Pétréquin and Jaillette, *Société, Économie, Administration Dans Le “Code*
Sirks has also been a major force in this discussion, arguing for a systematic legal policy reflected in the collection of the texts and arguing, throughout his work on the debate over tied professions, for a single, powerful Law on the subject following the creation of *corpora*, which he dates to the reign of Trajan. Sirks believes that this Law was well-regulated and preserved by the state at official archives, from which legal experts were able to draw the sources for the Code.  

John Matthews has taken up the counterpoint, arguing for a less systematic collection of texts for the Code, involving the law being recovered from numerous local legal archives, and accordingly for a more context-specific interpretation of the law.  

Though the debate has not, as yet, reached scholarly consensus, the key text for understanding the organization of the texts in the Theodosian Code is the *Gesta Senatus* that recorded its commissioning. As Honoré has argued, the initial project of the Code was intended to create a comprehensive collection of all law, both obsolete and current, from both the eastern and western Empires. This project involved collecting laws from across the Mediterranean and placing them together into a single, thematically organized text that would serve as a scholastic legal reference. A secondary task was set to clean up the collection at a later point in order to create a final Code that lacked inconsistencies, contradictions, repetitions, or obsolete texts. This goal was never

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*Théodosien.* and particularly Huck, “Les Compilateurs au Travail: Dessein et Methode de la Codification Theodosienne”; Sirks, “Where Did the Theodosian Compilers Take Their Texts From?”  
96 Sirks, “The Sources of the Code.”  
97 Matthews, “The Making of the Text.”  
98 CTh 1.1.5 (March 26, 429) Salway, “The Publication and Application of the Theodosian Code: NTh1, the Gesta Senatus, and the Constitutionarii.”  
100 Where these texts may have been kept prior to this point is central to the debate of Matthews and Sirks, more even than the nature of a “system” of Roman law, though this point is heavily implicated in their discussion. On the text as a useful reference, particularly in the courtroom, see: Turpin, “The Purpose of the Roman Law Codes.”
realized, and, as Honoré has put it, the Theodosian Code consequently “organized no system” of Roman law.\textsuperscript{101}

The implications of this lack of system have not yet been explored for Roman merchants, but a related debate has arisen in the discussion of the status of \textit{coloni}, whose condition has long been treated as comparable to that of \textit{navicularii}.\textsuperscript{102} In a detailed and persuasive study of the sources regarding \textit{coloni} and of the historiographical treatment of that group, Cam Grey proposed that the sources preserved in the Theodosian and Justinianic Codes could, at best, be taken as periodic legislation on the subject of these and other rural labor forces. By examining the contexts of time and place provided in the Code, he read each law as an individual legislative moment, rather than the chapter in the Code as a single comprehensive view of the matter. His treatment of the material argued against the idea that \textit{coloni} were bound to the land itself, and posited that the legislation was entirely focused around the payment of dues inherent in the \textit{origo}.\textsuperscript{103} Sirks’ response attempted to reassert the ties on \textit{coloni}, but ultimately conceded that the code represents a systematizing moment, the product of Justinian’s vision for Roman law, rather than a system that existed from the earliest text through to the moment of publication\textsuperscript{104}

Though the Justinianic Code is a very different document from the Theodosian, it seems that there may be room for reevaluating both legal collections as the product of particular systematizing moments,\textsuperscript{105} and the sources in both texts that relate to the

\textsuperscript{101} Honoré, “The Making of the Theodosian Code,” 167.
\textsuperscript{102} A comparison drawn in both Jones, “The Caste System in the Later Roman Empire,” 86–88; Sirks, “Did the Late Roman Government Try to Tie People to Their Profession or Status?,” 166–67.
\textsuperscript{103} Grey, “Contextualizing Colonatus.”
\textsuperscript{104} Sirks, “The Colonate in Justinian’s Reign.”
\textsuperscript{105} The summary of Matthews, \textit{Laying down the Law}, 10–12, lays out the major differences between the texts, noting particularly that the Theodosian Code is much more a compilation of previously separate primary sources, and lacked the interpretive frameworks (\textit{ius}) that were introduced into the Justinianic
navicularii stretch from Constantine in the Codes, and even further back in the Digest. It is unclear the extent to which any of these laws were simultaneously enforced. The repetition of key points, most especially the continuation of privileges and exemptions for those serving the state, suggest that the law was in some senses cyclical, with earlier laws fading from use, only to have their contents reasserted later, by an emperor who was addressing a similar problem, or who hoped to present themselves in the same way as an earlier ruler. However, it is genuinely not certain whether the laws that originate in different reigns worked together at any point prior to the codifications.

Furthermore, the format of the Theodosian Code suggests that in any year between the earliest and the latest text, it should be possible to construct the law as it was in that moment, with all earlier texts still in effect, and the later ones not yet conceived. However, such a reading ignores the geographical context, which shows that the emperors contacted specific magistrates with specific sections of the law referring to specific issues. It is believed that these were imperial responses, not spontaneous distributions of the law, which suggests that local circumstances generated the need for laws to be sent, rather than the existence of an imperial opinion that emperors and their staff were eager to disseminate. As a result, the law is a fragmented matter, one that only gains focus at the moment of codification, and which, in all likelihood, bears only a restricted relationship to the realities of practice prior to that moment, or potentially even

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For more on law-making as a form of self-presentaiton, see chapter two.

For example: CTth 13.5.8, written to Severus, the count of Spain, which deals particularly with the rights and responsibilities of Spanish navicularii, but does not hold broader applicability.
after depending upon how easily accessible the new codification was. Rather, we should imagine the law to have been a fluid matter, with clarity sometimes requested in reference to a given case, and with the greatest clarity about it originating from the courtroom, where the law was available in its enforced, rather than codified, state.

The implications of this for our interpretation of the law for the navicularii are serious. The field has argued about the earliest moment for the creation of corpora, with dates ranging from the reign of Trajan to Constantine, with a general consensus that there was a logical order to the laws regarding the privileges and responsibilities of shippers reflected in the Theodosian Code. Yet, in applying Grey’s reading for coloni and Sirks’ concession, we see that what we have is, at best, a moment of collection in the reign of Theodosius, another, more comprehensive, effort to systematize in the reign of Justinian, and, prior to that point, only a series of disconnected legal statements. These were often repetitive and speak to specific moments or circumstances that prompted an imperial pronouncement. If we also accept Matthews’ interpretation of the creation of the Code, we also have to contend with local provincial law, for which we have even less systematic attestation, as a defining feature of the legal system.

This reading is clearest when we examine the texts that were actually gathered into the Theodosian Code. Of the thirty-eight laws that constitute the heading de naviculariis, fourteen contain specific or general (re)assurances to shippers that their

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108 The Code proclaims its applicability everywhere and its publication is discussed in the Gesta Senatus. Publication was regulated and there seems to have been demand for the text, but, even if the state was actively working to circulate copies of the text, it is unlikely that the majority of those who used the law ever had access to the Code in its entirety. Many will have held copies of select laws relevant to their needs, but few could have afforded a copy of the Code. See the discussion of Matthews, Laying down the Law; Salway, “The Publication and Application of the Theodosian Code: NTh1, the Gesta Senatus, and the Constitutionarii.”
rights and privileges were inviolate. These texts range in date from Constantine to
Arcadius and Honorius within our period, with high concentrations of texts in those
reigns, and with numerous gaps in between. The repetitions here are critical, as they offer
us a view into how the state viewed its own policies and its efficacy. Each of these texts
is clear that the privileges of shippers are to be protected, and that they arise from a long
tradition, usually attributed to laws of Constantine in the Theodosian Code, of which the
latest law is merely a reassurance.

The laws are rarely explicit about the purposes of these repetitions. In a
systematic legal system that was truly building upon the foundations of previous laws,
this duplication of material should have been unnecessary. We have only one example in
the laws relating to navicularii of an explanation for the repetition of subject matter,
coming from a novel of Theodosius concerning the size of ships transporting grain for the
annona:

Semina ferendi leges fragilitas humani generis subministrat, repetitio vero legum
nostriae est humanitatis indicium, si quidem, cum priorum aculei adversus
temeratores earum sufficerent corrigendos, admoneri tamen per legis
repetitionem delinquentes volumus quam poenas exigi delictorum. Ideo calcatam
legem, quae de navigis non excusandis olim fuerat promulgata, suggestione tuae
sublimitatis edoci humanis sensibus saluberrima repetere scita corrigimus, si
delinquentes quam poenas exigi delictorum. Ideo calcatam
legem, quae de navigis non excusandis olim fuerat promulgata, suggestione tuae
sublimitatis edoci humanis sensibus saluberrima repetere scita corrigimus, si

do delinquentes quam poenas exigi delictorum. Ideo calcatam

The frailty of the human race provides the opportunities for producing laws, but
the repetition of laws is a sign of our humanity. Accordingly, although the stings
of earlier acts against violators of the law were sufficient for correcting them,
nevertheless we want people who are committing a crime to be warned by the
repetition of the law, rather than for penalties to be exacted for crimes committed.
Therefore, informed by the suggestion of your splendor that the law has been
trampled upon, the law which had once been promulgated concerning the ban on
excusing ships, we are compelled by our human feelings to repeat the most beneficial ordinances, and we order that no ship beyond the capacity of two thousand measures before successful unloading or before the transportation of public materials can be excused from public uses either by the privilege of rank or regard for religion or the prerogative of any person. Not even if an oracle from heaven be produced against it, whether it may be a note or divine advice, should one oppose the regulations of a most provident law.\textsuperscript{109}

The law is explicit that the purpose of repetition is to offer a reminder, a gentle warning born of imperial “humanity,” rather than any kind of admission of the failure of earlier law. Yet, the law identifies two categories of individuals for whom these laws are applicable: in the first case, “violators,” who have already been corrected, and in the second case, those who “fall short,” and seem to have escaped the force of the first law or have been slow to comply with it. It is not perfectly clear how they have done so since the law is described as having been effective in its original intentions. Though the law attempts to disguise the fact, it is clear that this law is operating on one level rhetorically, where it claims universal and limitless efficacy, and on another in reality, where matters seem to have been very different. This latter context is often no longer extant in the preservation of the Codes, leaving us to reconstruct these details from the few clues still available.

The internal evidence of the law strongly suggests that the earlier decree had lost its force and been “trampled upon.” Theodosius was cleverly having it both ways, managing to offer a “new” law, but one which only reinforced earlier laws, in this case primarily a law of Honorius and Arcadius that was also concerned with the size of ships serving the \textit{annona}.\textsuperscript{110} The content is almost identical, but, by this law, Theodosius can

\begin{footnotes}
\item[109] Novels of Theodosius 8 (Constantinople, April 7,439 CE), all translations are the work of the author, unless otherwise noted.
\item[110] CTh 13.5.28 (Milan, February 16, 399 CE).
\end{footnotes}
present himself as gently correcting the people and upholding the customs of his predecessors, while actually trying to enforce a law that has fallen into disuse and that, if enforced, would secure a greater supply of grain for the state.

The repetition of laws concerning the privileges and responsibilities of navicularii, while less explicit about their purpose at the meta-level than this law of Theodosius, nevertheless presents the central feature of the issue clearly. The earliest laws on the subject are those of Constantine, which generally concern themselves with assuring that navicularii, regardless of rank, will be given exemption from public duties. For example, the first of these laws, CTh 13.5.5, is particularly focused on protecting shipmasters from predatory civil servants, harbor masters and toll collectors, and clarifying that the exemption extends to taxation in kind and in gold and silver, collationes and oblationes, so that they can better perform their duties to the annona.¹¹¹ Later laws refer back earlier ones, thereby building a case for the precedent of each action, and often implying or stating outright, that the old law continues to be in force. New laws are presented as adding some novel feature which operates in accordance with the spirit of the old legislation.

Thus, Valentinian and Valens appealed to “the statutes of the ancients” in a law of 369,¹¹² in which they reassert that, even if shippers should gain some new status, they were to remain responsible for their duties to the annona, and, together with Gratian, they issued an appeal to refill the guild of the navicularii in 371, claiming that they acted, “according to the tenor of the law that was given by the divine emperor Constantius.”¹¹³

¹¹¹ CTh 13.5.5 (Rome, September 18, 326 CE).
¹¹² CTh 13.5.12 (Trier, May 14, 369 CE).
¹¹³ CTh 13.5.14 (Rome, February 11, 371 CE), iuxta eum tenorem, quem a divo principe constantio datum.
In both cases, the emperors were eager to point to earlier imperial *exempla* as they attempted to resolve new problems. For these laws, the problem most clearly seems to have been a slow draining of the guild of the *navicularii*, the result, perhaps, of death without heirs, the advancement of individuals to higher rank, or simple evasion.

Theodosius highlights this in his law, where he specifically lists the ways in which one may not be excused from duties, up to and including an “oracle from heaven.” As Sirks has described, there were many real and imagined loopholes left by the earlier legislation, where provisions had not been made to account for accidental or intentional evasion of duties.

Still, many of the laws do not seem to be closing loopholes or adding any innovative step. As in the novel of Theodosius, they merely repeat the provisions of previous legislation. This is clearest in a pair of laws of Honorius and Arcadius, promulgated four years apart, which simply reiterate that the rights of shippers remain inviolate. The first, from 400 CE, was sent to the proconsul of Africa, and states briefly:

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venerandae urbis intuitu navicularii privilegia certa delata sunt, quae quicumque temerare temptaverit, nostra auctoritate propositam multam lege inferre cogatur.
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In regard for the venerable city, certain privileges have been conferred upon shipmasters; anyone who has attempted to violate them, must be forced by our authority to bear the penalty proposed by law.

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114 Many of these exemplary laws, particularly from the 4th century, are now lost to us. For unclear reasons, many were not included in the Codes, leaving traces of them in these references, but no full text copy. It is unclear whether they were lost, inaccessible, or deemed superfluous during the codification process.

115 Sirks, “Did the Late Roman Government Try to Tie People to Their Profession or Status?” 164.

116 CTh 13.5.30 (Milan, June 15, 400 CE).
The second, from 404 CE and sent to the Praetorian Prefect, is slightly more expansive, and allows some room for the emperors to change their minds, but ultimately covers the same point:

universa, quae consultis nostris vel decretis illustri praefecturae indulta sunt naviculariis, si nulla melior utiliorque sententia commutavit vel auctoritas sanctionis infregit, firma servari decernimus.

We declare those things that have been granted by our decisions to the shipmasters or by the decrees of the illustrious prefecture to be preserved as universally valid, if no better and more useful opinion has changed them or no authority of law has infringed upon them.\textsuperscript{117}

Despite slight differences in terminology, “privilegia,” in the former, and “quae…
indulta sunt;” in the latter, and in focus, the former dealing more with those who would infringe upon rights and the latter additionally asserting the right of the emperor to change his mind,\textsuperscript{118} these laws do fundamentally the same thing: both seek to reassert the privileges of shippers.

The fact that both are necessary is worthy of more attention. It is assumed, in the systematic understanding of Roman jurisprudence, that the emperor’s word was law, and that it applied everywhere with equal force. Yet, in this case, the same emperors clearly issued two separate laws, rather than a single text, and sent it to two different magistrates. Even if we lacked the address and dates, the differences in the wording of the laws reveals that these were two distinct pieces of legislation, though they pertained to the same subject. These magistrates may have solicited the opinion of the emperors on the matter, a plausible scenario, given that this was a relevant issue for the proconsul of Africa, a province which produced a great deal of grain for the annona. Alternately, the

\textsuperscript{117} CTh 13.5.31 (Rome, August 18, 404 CE).
\textsuperscript{118} Phrasing that appears elsewhere in the code, see CTh 16.2.1, for another good example of privileges framed in this way.
emperors may have issued this as a reminder to the magistrates, having received some reason to believe that shippers were being denied these privileges, or the emperors may have, for motivations that we now cannot access, been proactive in this case and sent these laws out without an impetus that came from the provinces.

Whatever the circumstances, and whether the laws were sent to resolve the same, or different, problems, it seems that the emperors did not expect the praetorian prefect to have had knowledge of, or access to, the law they had sent to Africa. Despite the important position of the prefect in the city of Rome, where we would expect a major legal archive to be available,\(^\text{119}\) he does not seem to have had a clear sense of what laws operated where. This was evidently not a system that spread information evenly and these laws appear to have been shared according to logic that is now inaccessible to us. That only these two magistrates received this law, bearing in mind the vicissitudes of the compilation process, hints that there was a reason why they were sent, but it is unclear whether they were prompted by a request of some kind or by some imperial reasoning we cannot reconstruct now.

In the edited product of the Theodosian Code, the laws look like an expression of a singular state policy, but imperial intentions, if any existed at all, cannot be tracked beyond a single reign. Even in cases where repetition occurs, each of the laws list specifics that reflect, in all likelihood, some of the substance of the requests for clarity that the emperor and his staff had originally received. Most of the laws in the Code are individual responses, crafted to fit circumstances about which we no longer have details.

\(^{119}\) As argued by Sirks, “The Sources of the Code”; Sirks, “Where Did the Theodosian Compilers Take Their Texts From?”
While emperors built on the precedents of some of their predecessors, and used similar means to dispense law, the coherence of the Code is manufactured product of a later period. The legislation it preserves did not anticipate eventual juxtaposition with other related texts, nor did it refer to earlier *exempla* with the belief that magistrates would have had the full history of imperial law on the subject to hand. Rather, in isolated cases, the emperor wanted laws to act as an emblem of his own respect for his predecessors. The Code was the product of editing that crafted a hodgepodge of legal actions into a comprehensible whole. The editors also invented categories of similar material that may or may not have reflected the emperor’s original intent.

As a result, talking about a system of Roman law, as it existed prior to the codifications, offers us little in the way of interpretive tools. Our evidence contradicts such an interpretation, which has particular consequences for the merchants who actually transported grain for the *annona*. Most especially, since we cannot suppose an empire-wide institution of law operated with equal efficacy everywhere, we must look at the individual and local circumstances of the use of law as an institution if we intend to determine how merchants, traveling through the Mediterranean, were affected by legal constraints.

**Agency in State Employment:**

Without a systematic legal policy on the part of the state, the specifics of place and time are vital factors in understanding the applicability and the use of law. Local law, legislation that was issued by municipal or regional powers without reference to imperial laws, and local enforcement of imperial law will be central to the next two chapters of
this dissertation, but in this context, it is important to examine two cases that demonstrate how merchants engaged with an imperial law that could and did shift over the course of time and relative to their own location. In these cases, it is clear that the state did not dictate to these traders, and that, in fact, it did not necessarily grasp the full range of purposes that the law was being put to by those people. For merchants, law was a tool, a way of gaining and vigorously protecting rights that they could use to their economic advantage. In actuality, these examples are powerful arguments against the notion that merchants were “bound,” since the evidence demonstrates that those working for the state were very much able to negotiate their rights. Despite the rhetorically powerful language that the laws used, claiming that the state held merchants to their munus, the evidence strongly suggests that traders saw the munus as perhaps a small price to pay for other advantages. Furthermore, when the bargain swung too drastically in favor of the state, they were prepared to object and demand a renegotiation of terms. Finally, while the laws of the Theodosian Code imply that many were trying to evade the munus, evidence from local contexts actually suggests that there was some competition to get access to state contracts, especially among wealthy traders who were already operating similar trade routes.

Given the particularly complex circumstances surrounding the text, it will make the most sense to continue looking at evidence from the Theodosian Code before moving on to other laws, though, of the cases we will examine, it is, chronologically, among the latest evidence we will consider. It is also necessary at this time to question the extent to

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120 As recently argued by Broekaert, “Partners in Business: Roman Merchants and the Potential Advantages of Being a Collegiatus.”
which merchants were aware of the contents of the Code or of the earlier laws that were compiled into it.  

While many who engaged in trade had no reason to cultivate knowledge about the laws contained in the Code, the internal evidence of the Theodosian Code shows that the corpora of the navicularii, at least, were keenly aware of the imperial laws concerning their rights. Nevertheless, as far as we can say from our evidence, their knowledge of law was selective, limited to the precedents and legislation that concerned their business, though it seems to have been fairly comprehensive within that sphere. Given their specialized knowledge, it is possible that their understanding of the law included texts and precedents that were not selected for inclusion in the Theodosian Code. The evidence seems to suggest that some groups of traders even maintained private legal archives, holding copies of earlier laws that they could muster to support their arguments and defend their interests.

Indeed, CTh 13.5.16, a law of Gratian, Valentinian, and Theodosius, dated to 380 CE, was addressed to the Corpora Naviculariorum, in response to a letter they wrote to the emperors. The law begins like many others collected in this portion of the Code, reaffirming the rights of shippers:

> delatam vobis a divo Constantino et Iuliano principibus aeternis equestris ordinis dignitatem nos firmamus. quod cum ita sit, si quis contra interdicta innumerabilia sanctionum corporali vos injuria pulsare audeat, digna expiatione est luiturus ausum inmanis admissi, apparitione quoque sua ultimo supplicio deputanda, cuius monitio hanc debetur sollicitudinem sustinere, ut iudices prava forsitan indignatione successos ab illicitis tempestiva suggestione deducat.

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121 Connolly, *Lives behind the Laws*, 90–91. notes that petitioners at Sirmium made reference to several different laws in their petitions, but that, overall, it is more common for petitioners to be chastised for their legal ignorance, than praised for having presented a well-informed legal argument. Bryen, *Violence in Roman Egypt*, 149, 199–200. takes a slightly more optimistic point of view, arguing that petitioners had some understanding of their own rights in relation to the law, even if they were ignorant of the law itself.
We confirm the honor of the equestrian order that was given to you by the eternal emperors, the divine Constantine and Julian. Since this is the case, if anyone should dare to strike you unjustly, contrary to the prohibition of countless laws, he will atone for the outrage of that immense crime with a fitting punishment, and his staff will be condemned to the ultimate punishment, whose warning ought to check this anxiety, so that, perhaps, by timely advice, he may lead judges who are roused with vicious indignation away from criminal acts.\footnote{CTh 13.5.16 (Trier, February 6, 380 CE).}

The law shares the appeal to precedent seen in the laws above, referring to the legislation of Constantine and Julian. The law of Julian may be another text gathered in the Theodosian Code, 12.5.9, which refers specifically to immunity from violence, but we have no corresponding law of Constantine preserved in the Code relating to this issue. Additionally, it is clear here, as in many of the other laws, that magistrates are being admonished to adhere to these laws and to provide protection to *navicularii*. Despite these similarities, it also adds several specific provisions that are novel and unique to this law. These must reflect the requests that were made in the original letter from the guild.
Truly, as for that which pertains and relates to the convenience of business and transporting merchandise, the expert care of competent judges will provide so that, by using your name as a pretext, the immunity of tradesmen will not lie hidden everywhere without consideration nor will you yourselves be defrauded of the privileges and products of benefits formerly granted to you.\textsuperscript{123}

The law specifically refers to the documents that were sent by the guild to the emperors, which included references to earlier laws, “ancient constitutions,” that the corpora believed would act in support of their case. This is a major point in favor of the interpretation of Matthews since it is unclear whether the emperor himself had these constitutions to hand. Rather, it seems that these shippers maintained an archive of relevant material on their own or had access to some local collection of laws that they could access and copy to support their request for aid.

The specifics of their original letter are difficult to reconstruct, but it seems that it had roughly three parts. First, they seem anxious to have protection from violence under the law, as was appropriate to their status as members of the equestrian rank, and consequently as honestiores.\textsuperscript{124} There is no elaboration in the text, but, based on the imperial response, it seems that their complaint was leveled against magistrates employing some form of corporal punishment, and the blame, according to the emperors, lay as much with their staff as with the officials themselves. Laying blame on the staff of an official is a common rhetorical stance in the legislation and it was a tactic that served a dual purpose, both allocating blame with likely culprits, administrators who were invested in local communities and who were more likely to have vested interests in the

\textsuperscript{123} CTh 13.5.16.1-2 (Trier, February 6, 380 CE).
\textsuperscript{124} Garnsey, “Legal Privilege in the Roman Empire,” 19–24; Garnsey, \textit{Social Status and Legal Privilege in the Roman Empire}; Jones, \textit{The Later Roman Empire}, 284-602, 525.
success or failure of particular local individuals, and partially or totally exculpating the imperially appointed magistrates.

The second complaint is the one for which evidence was offered, that *navicularii* were not to be forced to perform the *munera* of *decuriones*. This may have been the cause of tensions between shippers and officials, who felt that, as men of some means, *navicularii* were prime candidates for enrollment in the *curia*. The shippers are able to provide adequate evidence that they were protected from this duty, demonstrating their familiarity with imperial law and its rhetoric, but also their ability and willingness to use it to their advantage. Based on the record of the Code, they were in the right. They were not required to add to their burden of *munera* through service as *decuriones*. However, it is probable that some shippers were less able to muster the law in their own defense than others, and that the law was not always so clearly on their side.

The final element of this letter demonstrates what some of these other shippers may have done. The *navicularii* seem to have complained that their privileges were being claimed by those who had no right to them, that some were claiming membership in the guild, or, more accurately, were “using [its] name as a pretext,” *optentu nominis*. As a result, immunity from *munera* was being claimed by those who did not hold the rights, or, perhaps even more irritating for the *navicularii*, the status that accompanied the service of the *navicularii*.

These interlopers will be of great interest to us shortly, but for now it is important to note how these guild members had crafted their message for maximum effect. They leveraged their status as equestrians and respectable men at multiple points, first in defense of their persons against violence, and then later in defense of their relative social
elevation against the unworthy. The law hints that they blamed bad magistrates, probably their local officials, for their troubles, and showed, through the legislation they appended, that those men had acted in ignorance, or willful defiance, of the law of the Empire. The constitutions they selected, copied, and sent were undoubtedly chosen with some care, to best support their case, and were based on the most accurate and up to date knowledge they had about the law. This recourse to law was available to them because they were a guild of some standing and, indeed, their access to the opinion of the emperors was likely based on their personal and collective status. While rescript evidence demonstrates that imperial law was, as least to some degree, available to all citizens of the Empire,\textsuperscript{125} the guild of shipmasters was a group that merited a long and detailed response.\textsuperscript{126} Their service was of great importance to the state, especially in the feeding of its largest cities. Their complaints were consequently significant enough to concern major officials. The guild was knowledgeable enough about the law, it seems, to recognize a need to collect and store relevant legal precedents and was significant enough to address the emperors and receive a thorough response to their concerns.

There are two, complementary processes at work in this legislation. On the one hand, the law is clearly a pronouncement from the emperors that was designed to respond to the issue at hand. At the same time, it was also making an appeal to earlier imperial

\textsuperscript{125}Connolly, \textit{Lives behind the Laws}, 67–97. notes that there is some bias, in the Diocletianic rescripts, toward answering the legal questions of women and slaves, though she is right to argue that this is unlikely to reflect some benevolent wish to help those who were legally disadvantaged, but rather that the legal circumstances those people found themselves in were more needing of attention. Furthermore, her survey (p.72) shows that it is still male citizens who are most commonly responded to overall, despite the early prevalence of women and slaves. She also is right to note (p.68) that there was likely some money that changed hands to help rescripts move to the front of the queue.

\textsuperscript{126}Groups are actually relatively rare in the rescripts, following Connolly, 79–80, though they are more prominent in inscriptions. Connolly argues that this is anomalous. As we will argue in chapter five, it seems that merchant groups, at least, preferred to settle their disputes, legal and otherwise, in house to protect their collective reputation.
precedents, leaning on the antiquity of earlier law and the divinity of those emperors. As we have seen above, this was a favored rhetorical strategy of imperial law, not only did it give emperors the appearance of being dutiful followers of their illustrious forebears, but it also created layers of history that made the law appear to be an inevitable reality that could not be challenged. The text supports this, with its reference to the interdicta… innumerabilium sanctionum that, collectively, constituted the reason why the navicularii were to be protected. The rationale for obedience to the law is not the fear of force, though force ultimately will be applied to punish the magistrate and his staff as “atonement,”¹²⁷ but rather compliance will come from the collective rhetorical weight of generations of imperial statements on the matter. Those statements justify this imperial pronouncement and legitimize a legal status quo that the emperors claim to be maintaining, even as they are dealing with new, possibly even unique circumstances.

On the other hand, we can see from the framing of the imperial response that the navicularii had couched their request for protection in terms selected to appeal to imperial interests and were so successful in that aim that their efforts are still visible through the layer of imperial rhetoric. The law called the attack on the navicularii a “monstrous crime,” inmanis admitte, phrasing that could have easily come from the navicularii themselves and concludes with a recognition of the “advantages of business,” negotiationis commodum advehendasque merces, which also suggests that the navicularii have been clever in their request. These are not the advantages to the navicularii in their private affairs, which certainly motivated their initial plea, but the advantages to the state

¹²⁷ Luiturus. See: Lendon, Empire of Honour, whose view of the violence inherent in the Roman system is interesting, though ultimately difficult to apply to this case. Violence is used, but it is as a punishment after the fact, not the reason why the magistrates ought to have treated the navicularii well in the first place. This case does not demonstrate the widespread fear that Lendon seems to think operated in this period.
when the privileges they granted were only open to those who served the state. Others were responsible for other types of munera, as well as vectigalia and other duties owed to the state, and if these other merchants and shippers passed themselves off as navicularii, convincing state agents that they too had immunitas, the state lost that potential income. The “real” navicularii of the guild knew the threat that this loss posed to the state and seem to have included reference to this to bolster their case. At the very least, they used language that could be read both ways, implying the mutual threat of such figures to the state and to themselves.128 Protection of the rights of navicularii was likely cast, and then understood and repeated back, as a protection of the state’s own interests.

Nevertheless, the existence of such traders, those who, through the scale of their work, personal or professional appearance, or some other metric, were able to convince authorities that they were contracted navicularii, belies the “tied professions” hypothesis. Some merchants, clearly, were not bound to their trade at all. Not only were they not registered as navicularii, but they actively sought to co-opt the privileges of that group, while still transporting private grain shipments. These “free agent” traders have not escaped the notice of those that support the hypothesis, as we have noted above,129 but these scholars have persisted in arguing that the hereditary status did exist for some shippers, and that there were no means for merchants to leave the corpora naviculariorum. Though the repetition of laws asserting that navicularii could not take up other munera in order to evade their shipping duties suggests that they did attempt to

128 Bryen, Violence in Roman Egypt, chap. 6. argues that the use of legal vocabulary was a tool used by petitioners, especially at moments of crisis, to provide structure to their relationships, between themselves and both others and the state. This was a tool to be used, and, as Bryen argues, reflects only a rhetorical construction of reality.
leave, and were, perhaps, even successful. However, in other cases, it seems that there was no particular reason for successful merchants to try to leave the *corpora*, since this arrangement with the state seems to have favored merchant businesses. In the final example of this section, we will look, not at merchants who attempted to leave the *corpora*, but at merchants who contracted with the state and retained a great deal of power and agency in that relationship. For these merchants, it was better to renegotiate the deal they had than to branch out on their own and adopt some other kind of relationship with the state.

The editorial processes of the Codes, as well as the absence of a copy of the original request of the *navicularii*, leaves us to reconstruct the original actions of traders that prompted official responses. However, some cases offer better opportunities than others to piece together the sequence of events that led to the promulgation of a law. One of the best and most frequently discussed, is a law preserved on a small fragmentary bronze that relates to the transportation of grain for the *annona*.\textsuperscript{130} The document, hereafter the “Arles-Beirut inscription” for convenience, is likely to be a law of the early 3\textsuperscript{rd} century,\textsuperscript{131} though many of the details surrounding its purpose, internal references, and provenance remain unresolved issues.\textsuperscript{132} It records a law that was written in response to a letter from the five *corpora naviculariorum* of Arles. The law reveals a great deal about the mechanics of shipping for the *annona* at this time, particularly the oversight.


\textsuperscript{131} Rostovtzeff, *The Social and Economic History of the Roman Empire*, 592 n. 37. dates it to 201, in the reign of Septimius Severus and Caracalla.

\textsuperscript{132} For the best overview see Rey-Coquais, “Sur l’Inscription des Naviculaires d’Arles a Beyrouth.” who highlights the major questions and historiographical discussions around the document.
and regulation of the weight of grain shipped, but, for our purposes, it is the actions of the
shippers that are the most interesting feature of the document.

Claudius Julianus to the navicularii marini of the five corpora of Arles,
greetings! What I wrote, after reading your decree, to ..., the egregius, procurator
of the Augusti, I have commanded, and to be added below. Fortunate people, may
you prosper.

Copy of the letter.

I have added a copy of the decree of the navicularii marini of Arles belonging to
the five corpora and likewise (a copy) of the documents from the court case
conducted before me. And should the same dispute continue further, and the other
(navicularii) appeal to justice with what amounts to a formal complaint that they
will soon cease to comply with their obligations, if the injustice continues, I
request that provision be made for both a guarantee against financial loss in the
books and for relief of the people providing services for the annona, and that you
order the marking of an indelible scale on the (inner sides of the) ship, and that
escorts from your staff be provided, who will hand over (details of) the cargo
weight that they loaded.

133 CIL 3.14185, text of Rey-Coquais.
(J)ulianus, believed now to be Claudius Julianus, the prefect of the *annona* under Septimius Severus and Caracalla, writes here to report that he has heard a case based on events that had been set into motion by the *navicularii* of Arles. These shippers had issued a *decretum* to the procurator, whose name is lost to us.\(^{134}\) This *decretum* may be synonymous with the “formal complaint,” mentioned in the law, and was a statement that included the threat of stopping shipment if some solution to the problem was not found.

The conflict seems to have arisen over the weight of cargo, mentioned in the final lines of the inscription. It is likely that the conflict was over discrepancies in weight between loading and unloading, in which situation a *navicularius*, if his cargo came up short of the amount loaded, was presumed to have stolen a portion of the state’s grain and was made to pay for the shortfall. Sirks suspects, plausibly, that the staff of the procurator, or the procurator himself, tended to record higher weights at loading, enriching themselves in the process, but passing the burden of payment on to the *navicularii*.\(^ {135}\) The *navicularii* were in an unfortunate position, attempting to prove that they had not stolen grain, but equally unable to demonstrate why the weight should have been listed as higher. The prefect of the *annona*’s intervention was vital in this instance since the procurator seems to have been at the heart of the dispute and therefore could not offer unbiased judgment.

As in the law mentioned above, it seems that the *navicularii* framed their petition in terms that the state would understand, in that they appeal to *aequitas*, justice or fairness, and made their request with reference to their service to the *annona*. We cannot

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\(^{134}\) Barot, “Les Naviculaires d’Arles a Beyrouth.” thinks it may have been Gaius Valerius Serenus.  
\(^{135}\) Sirks, *Food for Rome*, 100.
be certain, but (J)ulianus’ reply also includes a reference to the injustice of the current system, which seems likely to have been part of the original letter. This would parallel the reference to violence in the law of 380 CE and establish a pattern of navicularii being subject to treatment that they knew themselves to be exempt from, even if other kinds of merchants were not.\textsuperscript{136} Of course, the position of the navicularii is not to be accepted at face value. The parallels between this inscription and the law of 380 CE hint that there was a rhetorical motif of claiming to be put-upon, treated unfairly, and otherwise harassed. While Bang has argued that such predation was commonplace, and there is evidence to support his view,\textsuperscript{137} it is only reasonable to assume that, in an effort to be heard and have their concerns taken seriously, shippers were willing to embellish their case.

Whatever the truth of the matter, navicularii were at a disadvantage in their dealings with officials. Magistrates were the embodiment of the law, the agents of its practical enforcement, and shippers were often without recourse in the heat of the moment when disputes arose. Nevertheless, they were not without the means to be heard, at least after the fact. Not only, as in this case, could they issue a request for legal intervention from a higher official, but they could, clearly, act in a corporate fashion to amplify their request. The navicularii of Arles are known from numerous inscriptions,\textsuperscript{138} and, generally, the individuals of those inscriptions are identified as members of a single

\textsuperscript{136} Bang, \textit{The Roman Bazaar}, 204–25. makes a thorough case for violence and bad treatment being standard features of trade, generally originating from state officials and affecting traders, though there were probably some professions that were more likely to experience injustice at the hands of the state than others.

\textsuperscript{137} Bang, 204–25.

\textsuperscript{138} Christol, “Les Naviculaires d’Arles et les Structures du Grand Commerce Maritime sous l’Empire Romain.” has compiled the relevant texts: CIL XII. 672; CIL XII.692; CIL XII.704; CIL XII.718; CIL XII.853; CIL XII.982; CIL III.14185
corpus. It is therefore remarkable that in this case, where clearly the navicularii believed they were being treated unfairly, these five groups joined together to make a collective statement defending their common interests.

(J)ulianus calls that statement a decretum, a decree, rather than a letter or petition, which suggests that he took their complaints seriously. Further, his comments imply that the actions of these particular corpora were especially influential. Jean Rougé has argued that these corpora were the largest and likely the most important in the city of Arles. The threat of this group’s displeasure or disobedience was correspondingly a real and serious one. They were not only able to withhold their service, to “cease to comply with their obligations,” a topic to which we will return in the following chapter, but seemed to have the influence to inspire similar disobedience in others, since the letter explicitly refers to the actions of ceteris, presumably other, non-state-affiliated shipmasters, who complained of similar things. Thus, the merchant community was able not only to speak to the state in ways that were recognized, heard, and responded to, but it also spoke to itself in dialogues that are more difficult to trace but remain, evidently, influential. Together, traders possessed power, and their work for the state was so vitally necessary that the threat of withholding their service was one that not only went without punishment from the state—this inscription offers no consequences for

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139 The inscriptions are mostly funerary, and imply membership to a corpus, the five corpora appear together only in this inscription and in CIL XII.672, an inscription in which they give thanks to a patron.
140 Or at least that he presented himself in that way. It is important to remember that, as in the construction of any text, the author is engaged in the construction of his own persona. (J)ulianus here is attempting to project a version of himself who is competent, responsible, and dedicated to serving justice. It is possible or even probable that (J)ulianus was harried by many competing cases that required his attention. He may even have been disinterested in this particular case, but he took the time to say and do the “proper” thing to fulfill his obligations.
142 CIL 3.14185 line 12
disobedience, for example—but also was met with conciliatory language and a possible resolution to the matter.

The prefect took care to resolve this complaint. The inscription offers real protection to shippers, a reliable record of the weight of the cargo and a supervisory official who would travel with the grain to witness that all was fair and above-board. While these men probably came from the office of the procurator and may have been some of the same people who were originally cheating the navicularii, this document provided shippers with a protection against loss, and put a greater onus on the state to prove that fraud had occurred, rather than forcing shippers to demonstrate that it had not. For the state, it was worthwhile to make this concession to merchant needs, to prevent any disruption in the grain supply that might lead to civil unrest,143 as well as to present themselves, rhetorically, as the source of justice and fairness when it came to responding to the needs of important interest groups. The provision of a law on the subject cost the state nothing, but might have significant real-world consequences, if merchants used it correctly and local agents complied with its terms. Merchants had entered into a dialogue with the state and had received assurances that could greatly improve their condition and protect their business interests. The state had won itself goodwill from these corpora at minimal cost to themselves.

The inscription of these assurances constituted a body of evidence that merchants could attempt to utilize in the future, parallel to the archive of legislation that the guild would use in its petition to the emperor in 380 CE. The reply of the prefect became, or

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143 Erdkamp, “‘A Starving Mob Has No Respect.’” The issue of the food supply and civil unrest is discussed more fully in chapter two.
was added to, a corpus of legal material that could be called upon by the navicularii of Arles. Great debate has surrounded how the inscription from Arles reached Beirut, but it is possible that the inscription was placed within a ship, to be easily accessible should someone question the new procedures for weighing cargo, given that the law was issued in Arles and would not necessarily have reached Syria before the first of the grain ships. However, the inscription traveled, this law could have been used as a traveling reference in future instances of conflict with authorities. It was an acceptable solution; one that restored a peaceful, or at least less-tense, relationship between shippers and the state.

Consequently, these two laws show what initiative and agency looked like among merchants, and how those who worked in state-organized trade were able to request amendments or accommodations from the state. Imperial magistrates received and issued serious responses to these requests and used the apparatus of Roman law to provide merchants with the protections that would induce them to continue to serve the annona. In and of themselves, these inducements erode the claims of the “tied professions” hypothesis. Merchants serving the annona clearly were in a contractual relationship with the state, one that could be renegotiated between the parties. There is no evidence to suggest, as the title of Jones’ article implies, that the state envisaged a status that applied to all professionals, or that there was a successful program to compel the obedience of

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145 Barot, “Les Naviculaires d’Arles a Beyrouth.” believed that the law was established in their statio in Beirut, though no such place is attested in the literature or in archaeological texts. Sirks, Food for Rome, 99 n.174. thinks that it was brought from Arles to Beirut by crusaders. Rey-Coquais, “Sur l’Inscription des Naviculaires d’Arles a Beyrouth.” argues for the possibility of a mobile record on the grounds of a North African comparandum. See also Holleran, Shopping in Ancient Rome, 242. (CIL VI 8594) for the habit of marking land-based vehicles with “plates” that denoted their taxation status.
merchants. Rather, there were sporadic and irregular laws promulgated, and the state, striving to find merchants to meet its most basic needs, was forced to hear merchant voices. Traders could, within limits, negotiate their position, and demand that certain kinds of privileges and protections be offered or enforced. For the later period, it seems that the most vital provisions had already been secured, so merchants of the 4th century did not need to complain about systems of weights and measures, but they remained jealous guardians of their status and financial interests, which were increasingly viewed as interconnected.

**The Paradox of Control:**

The question remains, if merchants retained agency in their relationship with the state, what can we do with the paradox presented in Jones and reframed in Sirks? In their views, there is a contradiction in which the state both did something, controlled merchant professions or collected taxes, and did not do it, was frequently unable to manage merchants or failed to enforce taxation. The elements of the argument needed to defeat this paradox have been laid out above, but must be reassembled now, particularly in light of how we have discussed the question of the relative systematization of Roman law.

The paradox has its two components: first, that the state possessed the power and the resources to regulate trade, and, second, that the state was unable to do so, and did not possess that power. In both parts, the ability of the state is intertwined with its intent, and thus with what might be called its “policy” toward commercial activity and its agents. As argued above, “policy” is not easily discernible from the evidence of the legal codes and it is likely that there was little-to-no systematized legal intention that transcended the
reigns of individual emperors. Furthermore, we have argued above that the law was not
being enforced as fastidiously in practice as the state was issuing it. Emperors issued
“new” law in rhetorically powerful statements that lay claim to authority, but the frequent
repetition of the same imperial pronouncements time after time, as well as the appeals
from navicularii concerned for their own interests, reveals that the application and
enforcement of the law left much to be desired.146

Thus, it is making a strong claim to assert that the state possessed the power to
control commerce. Rhetorically, this is certainly the way that matters were presented. It
was widely known that the emperor’s legal efficacy was, in theory, limitless, that his
word was law and was to be treated as such in courts all over the empire. He claimed this
authority and, while he might appeal to further sources of authority, such as his
predecessors or to abstractions of justice and beneficence, he was always within his rights
to demand that his commands be carried out without question. These rhetorical claims
were powerful in themselves and led to real life consequences. The very fact that
navicularii appealed to state officials for assistance in the resolution of their problems, or
to negotiate their rights, demonstrates that they recognized the authority of the state.

However, the rhetoric could only carry the law so far, and there were limits to its
practical efficacy that must be considered. Enforcement of the law was uneven and
contingent upon factors that the emperor and his legal advisors could not control even
had they attempted to. Local practices, whether they arose from traditional habits or from
interpersonal interactions, tended to supersed the letter of the law. The navicularii of

146 Assuming that enforcement of the law was the primary aim in issuing it, which does not have to be the
case. See chapter two for this argument in the case of the Edict of Maximum Prices.
Arles experienced the habit of state officials who made it their practice to prey upon shippers, while the guild in 380 CE struggled to compete with fellow merchants who took advantage of the provisions of the law. The circumstances are different, and we might easily imagine dozens or hundreds of other times and places where practice deviated from the legal specifications in one way or another. The state could react to these irregularities when they were reported, but, in all likelihood, remained in ignorance of many others.

Furthermore, this ignorance was probably not accidental. To actively control commercial activity, to enforce even commercial law alone, would have required a bureaucratic force that the Roman Empire never employed in its whole history. Sirks has already argued that it was not the state’s intention to regulate trade, that the state was engaged in a reactive process that was mostly driven by the reports and requests of lower magistrates or citizens. The state claimed the authority to control trade rhetorically, but relied on the power of that rhetoric, as Clifford Ando would say, on the “consensus” of the ruled, to see to it that the law was adhered to and that truly flagrant deviations were reported, censured, and, in some cases, punished.

This was, however, not “systematic” legal practice so much as it was a balance struck between rhetoric and practical efficacy. Each emperor could claim that their will was law and that the Roman state was governed by good laws but could also leave responsibility for enforcement in local hands, who would be, to an extent, tacitly

147 Bang, The Roman Bazaar, 66–72 esp. 69; Millar, The Emperor in the Roman World, 31 BC-AD 337; Kelly, Ruling the Later Roman Empire.
149 Ando, Imperial Ideology and Provincial Loyalty in the Roman Empire, 199ff.
expected to apply it flexibly. Sirks’ claim that the laws regarding *navicularii* were systematic and designed to regulate against loopholes in the state’s tax policy cannot be correct in face of the repetition and contradictions that even the edited codifications preserve.\(^{150}\) In the period before the codifications, the law, in practice, was limited by what legislation individuals could summon to their cause, as evidenced by the proliferation of rescripts from this earlier period. Merchants and shippers knew this and acted to retain and present the law in the light that was most beneficial to their case. The law was produced piecemeal by the state, as needed and requested without reference to how one law would influence others, and it was used in the same way according to the demands of individual cases and circumstances.

The terms of the paradox are thus each problematic. Both portions are somewhat true, while both are also somewhat false. The state was not without influence over commerce, and did issue laws that offered, alternately, restrictions and privileges for some members of some trades, but its efforts were not systematic, extensive, or evenly enforced. Thus, the state’s inability to control commerce is not a condemnation of the efficacy of the imperial system, but a reality of the ways in which it chose to operate. While it is right to emphasize the agency of merchants and their ability to negotiate with the state, it is not an accurate reflection of this relationship to say that either side was consistently able to enforce its will perfectly. Both sides were in dialogue, directing the regulation of commerce in ways that ultimately provided some benefits to both.

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\(^{150}\) Sirks, “Did the Late Roman Government Try to Tie People to Their Profession or Status?” 174. Though it is important to note that Sirks does not maintain that laws were enforced exactly, only that the law was a coherently designed system.
Merchants were not tied to their professions. Some were employed by the state and assumed a set of restrictions, responsibilities, and privileges attached to a government contract. Others did so through the mediation of an association that they joined, which increased the merchant’s ability to negotiate and reduced their personal risk in ways that will be discussed in chapter five. Whatever the means, these were bonds that benefited the merchant as well as the state, and they were never fixed in stone. The relationship between these merchants and the imperial government was flexible and the assumption of perfect state control ossifies and reifies the law in a way that does not correspond with what we see merchants doing in practice. The terms of the contract of the navicularius were adhered to as long as they were acceptable to both sides, and they could be renegotiated when they were not. The state could, theoretically, dictate terms to merchants, but, in practice, merchant service was sufficiently valuable to the state that it was in the imperial interest to hear traders’ complaints and offer them real incentives to continue working for the annona.

“High Commerce” and Free Traders:

The agency of these merchants is important, as is noting the flexibility of their relationship with the state. Both are topics that will be expanded upon in coming chapters. However, it is necessary for us to broaden our perspective to include the great diversity of merchant activity in the Roman Empire, and to question the typicality of state-employed traders. As Jean-Paul Rey-Coquais has noted, speaking about the navicularii of Arles, “Ces armateurs étaient des riches et puissants, appartenant ou liés à de grandes familles,” these [ship] owners were rich and powerful, belonging or related to
important families. In general, the navicularii that legal sources are concerned with are those who were engaged in large-scale trade, and were able to do so through their substantial wealth, with which they built large ships, underwrote risky ventures, or even hired others to perform their annona duties for them. Their work was undeniably that of a merchant, but the scale was substantially greater than that of many of their peers.

Horden and Purcell, in their monumental *Corrupting Sea*, refer to this kind of trade as “high commerce,” and rightly note that a preponderance of modern scholarship is dedicated to this kind of exchange, rather than to smaller-scale, “low commerce.” They argue, convincingly, that the focus on “high commerce” distracts from patterns of exchange that transcend the typical periodization of antiquity and that characterize the Mediterranean world more generally over a long period of time. They are explicit that “high” and “low” should not be read as a binary, into which we may fit every example of trader from antiquity, but that these are extremes along a spectrum, and one which may not be only limited to those poles, since this divide encompasses not only the scale of trade, but also the distances traveled. While it makes sense that our shippers for the annona transported many measures of grain over a long distance by sea, and for small traders to carry smaller quantities of goods to their local markets, more regularly, there will have been dealers in luxuries traveling long distances to bring a small number of expensive goods to the correct buyers, and agriculturalists selling the produce of an entire harvest to a wholesaler at the equivalent of their garden gate.

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152 Horden and Purcell, *The Corrupting Sea*, 365ff. They argue, especially, for the importance of cabotage trade, which they see as more typical of Mediterranean forms of exchange than long-haul trade. They are less explicit about equivalent, small-scale and short-distance trade by land, though similar conditions apply.
The picture is, and should be, complex, but the point made by Horden and Purcell is that we cannot afford to focus exclusively on the largest, and loudest, traders found in our record, despite the difficulties in spotting the local, small, and “low” trader. Hopkins, D’Arms, and others have noted that traders were typically poorer men, and that even those engaged in the trade of luxuries had to carefully balance their costs in order to make a profit. Consequently, most merchants were not those trading at a huge scale for the annona, and those traders who most easily escape our notice are the ones whose experiences are likely the more typical. As the following chapters will clearly demonstrate, their interactions with the state, with each other, and with their customers will be the best metric for merchant experiences in the later Roman Empire, and their strategies for social and economic success will be the most illuminating.

This is as true of grain merchants as it is of sellers of other types of goods. Lionel Casson has argued persuasively that, for the early imperial period, we must imagine a small army of private merchants transporting grain without any reference to, or contract with, the state. These merchants shipped grain that was sold to Romans who did not qualify for the annona, or for whom the annona was insufficient. Clearly, beyond such men are those who provided grain to cities that did not have a dole, which included the vast majority of urban centers. Casson’s evidence comes primarily from Pompeii, where a number of records have been preserved of the transactions of such merchants, but for the later period we can also supplement the existence of vacui, men who held no

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153 Hopkins, “Models, Ships and Staples,” 84; D’Arms, Commerce and Social Standing in Ancient Rome, 85–87.

154 Casson, “The Role of the State in Rome’s Grain Trade.”

155 See also Terpstra, Trading Communities in the Roman World: A Micro-Economic and Institutional Prospective.
obligation to fulfill a munus. Though these individuals were already noted as exceptions to the “tied professions” hypothesis by Francesco De Robertis, their role in the grain trade has not been sufficiently noted thus far.¹⁵⁶ These men must have participated in a broad spectrum of exchanges, from those trading grain across the Mediterranean to those selling their produce to their neighbors at a local market.

Unaffiliated traders remained well into the 4th century, a fact that has been noted by Sirks and Ramon Teja, among others.¹⁵⁷ The law of 380 CE, discussed above,¹⁵⁸ provides its own evidence of this, since the navicularii are able to say that their rights were being claimed by traders who had no right to those privileges. Gratian, Valentinian, and Theodosius state that they do not want these exemptions to be available passim, everywhere, which implies the commonness of non-affiliated traders who might wish to take advantage of the ease with which they might be confused with state ship captains. The choice to assume the identity of a state-affiliated navicularius may have been an appealing deception to a free trader. Though there were risks to this ploy, not least being the confiscation of goods should merchants be caught transporting cargo without paying vectigalia fees, the possibility of avoiding all such duties as a “fake” navicularius would have been tempting. Posing as a navicularius when not contracted with the state was, strictly speaking, illegal, but we can assume that not all those who claimed these privileges fully understood that they were in the wrong. On both sides of the divide, state

¹⁵⁶ De Robertis, Storia delle corporazioni e del regime associativo nel mondo romano. also De Robertis, “Il Corpus Naviculariorum Nella Statificazione Sociale Del Basso Impero. Contributo Alla Critica Del Codice Teodosiano.” which in many ways presaged Jones’ article.
¹⁵⁷ Sirks, “Did the Late Roman Government Try to Tie People to Their Profession or Status?”; Rickman, “The Grain Trade under the Roman Empire”; Teja, “Las Corporaciones Romanas Municipales en el Bajo Imperio: ALCANCE Y NATURALEZA.”
¹⁵⁸ CTh 13.5.16 (Trier, February 6, 380 CE).
official and shipper, there may have been misunderstandings about a particular merchant’s status under the law. Imperial law, at least rhetorically, took these distinctions seriously, but it is unclear to what extent these were truly worries in reality. Many who operated at a similar scale of trade would have been visibly indistinguishable from one another, and officials had only their experience, the reputation and, ultimately, the word of the merchant himself from which to judge. In the day to day operations of the empire, the distinction may, ultimately, have been less important than the smooth collection of taxes and vectigalia, imperfect as that system may have been.

Some traders, obviously, could not be confused with the wealthy ship owners to whom the majority of this legislation applied, but, though their experiences would be different from those of the elite traders, their lives nevertheless provide us with important evidence for the study of the economy and the social worlds of the Roman Empire. Waldemar Ceran has done some preliminary work, through the corpus of John Chrysostom, to argue that free traders, large and small, made rational decisions in pursuit of profit, and that those decisions colored both economic and social situations. On a larger scale, this dissertation will work to identify other factors that provided institutional constraints on merchant activity, and will not limit that inquiry to those traders who operated for the state. Though the state offered some constraints that affected all merchants, many only engaged with the state through its mechanisms for the collection of

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159 Though no example exists for a merchant, rescript evidence shows that soldiers were sometimes confused about exactly what privileges they held under the law. The soldier Ingenuus appealed to the emperor for clarification about what kinds of duties he owed at CJ 4.61.3. It follows that officials would not have known Ingenuus’ status under the law and may have asked him for more than he technically owed under the law.

160 These issues are discussed more fully in chapter three.

161 Ceran, “Stagnation and Fluctuation in Early Byzantine Society.”
taxes, tolls, and duties, and otherwise they exercised their professions without reference to what the state dictated.

Evidence for such merchants appears frequently, but across disparate sources. They generally seem to have operated inland or at less important ports and traded either in goods that the state did not need, or in quantities small enough to be useless to the supply of the Empire. As the following chapters will argue, the state generally allowed such merchants to operate unchecked, intervening primarily as a reactive process when magistrates or citizens called imperial administrators to step in, a model that is visible in the laws discussed above, where merchants requested judgment from the state in conflicts that they could not resolve alone, or within their local communities.

Given the relative rarity of legal documentation of such matters,\(^\text{162}\) it seems likely that most merchants were able to mediate their conflicts privately, through networks of peers or patrons, or by only appealing to levels of government at the local level. Many merchants carried out their business without any reference to the shifts in imperial administration that occur within the period. This quantitative imbalance, between the merchants most frequently studied and the unknowable number of those who operated in the Roman Empire, has been noted by Hopkins, among others, though often with a certain amount of pessimism about our ability to redress the inequity.\(^\text{163}\) We are without

\(^{162}\) The papyrological record of Egypt hints that many conflicts did reach a level where they would be recorded in some form, but we cannot know how many more conflicts, annoyances, and petty disputes arose and were resolved without recourse to any kind of record-producing office.

\(^{163}\) Hopkins, “Models, Ships and Staples,” 85. “Short-haul transport of the agriculture surplus… constituted the greatest proportion of all transport which occurred in the Roman world… Given the absence of any explicit testimony, it must seem hopeless to estimate the volume of food transported short-haul in the Roman Empire.” De Ligt, “Demand, Supply, Distribution: The Roman Peasantry between Town and Countryside: Rural Monetization and Peasant Demands.” is more optimistic about our ability to say something about rural trade, and especially rural, peasant demand, at least in the aggregate.
numbers to make statistical calculations to say how many merchants worked for the state and how many operated independently, but we are not without evidence for both the plentiful supply of free merchants and the ways in with they conducted their social and economic lives.

It is these numerous unaffiliated merchants operating in the economy, as well as the abundant evidence for the reactivity of the Roman government that argues most strongly against the hypothesis of “tied professions.” That merchants were free to conduct and choose their professions demonstrates the weakness of the original position of Waltzing. The limited efficacy of imperial regulations discussed above begins to demonstrate something that Sirks has noted and that the next two chapters will expand upon: that the state did not intend to regulate commerce in this way and it was unlikely to be economically beneficial for them to do so, as that variety and intensity of regulation would have required a larger bureaucracy than state finances could bear to support.

Conclusions:

Thus, merchants in the later Roman Empire worked both for and independent of the state. We can no longer sustain the position that the Roman government compelled all, or even a majority, of traders, shippers, or merchants to work exclusively and hereditarily for the annona, even in the later Empire. Many individuals operated outside of state structures and are representatives along the spectrum of Horden and Purcell’s “high” and “low commerce”. Those within the state’s employ retained the ability to

164 Conceded now even by those who maintain the “tied professions” hypothesis, see, for example, Bond, Trade and Taboo.
165 Sirks, “Did the Late Roman Government Try to Tie People to Their Profession or Status?”; Bang, The Roman Bazaar, 69.
negotiate or, at times, evade their contracted duties with the state, which, as we will argue in the following chapter, was as much a sign of the state’s limited desire to enforce its law, as it was of its practical ability to do so. The agency of merchants working for the state has been under-estimated in previous studies, even among those scholars who have supported their legal freedom, and the evidence of the legislation makes it clear that navicularii, as representatives of merchants more generally, were savvy in their utilization of state institutions. They knew the law as it pertained to their professions and status, including its loopholes. They were also willing to defend their rights and privileges, even withdrawing from business if necessary, as the shippers of the Arles-Beirut inscription threatened.

The following chapters will continue to look at the effects of state institutions on Roman merchants, unfettered by the assumption that those institutions were based on state dictates and merchant obedience. In the next chapter, we will begin to unpack the effects of state intervention into trade that was not tied to the annona through the lens of price-fixing legislation. This will give us a greater insight into the intentions of state institutions and on the practical impact of law on private merchants. In the third chapter, we will look at truly small-scale trade to investigate the operation of local exchange under the law that local officials enforced, moving toward an examination of how state institutions functioned in face-to-face communities.

Together, these chapters will liberate merchants from readings of the sources that reinforce the teleological failure of free commerce in the late Roman Empire, and from interpretations that prioritize the position of elite merchants over those of the poor-to-middling merchants. The state engaged with, and its institutions effectively constrained,
some merchants more than others, but the agency of merchants is visible at all levels and does not disappear over the course of time.
CHAPTER 2: Intervention into “Low Commerce”

The Roman state never was able to exercise perfect control over the work done by merchants within its borders. Long-distance, high-volume trading received most of the state’s attention, but even in those cases the focus of its efforts was to secure supplies for Rome and other capitals, rather than to regulate trade for its own sake. Intervention into commerce, at all scales, was sporadic, yet it is clear from our evidence that the state did intervene, and that the existence and action of the state did have tangible effects on merchant lives. However, the exact impact of that intervention remains unclear, particularly at local and regional levels. Further, the intentions of these interventions must be judged, since the traditional view of these actions has assumed that the pronouncements of the state were put into practice more or less exactly as they were written. In this chapter, we will assess a pattern of erratic intervention that, if applied perfectly, would represent a great infringement upon merchant autonomy and the operation of a free market: price fixing. Within this greater category, special attention will be paid to the example of Diocletian’s Edict of Maximum Prices, which, I will argue, needs to be reassessed in light of its impact on merchants, rather than as a source of economic policy or raw, quantitative data.

The purpose of this chapter is to present an alternative means of viewing state intervention through price fixing. Economic intervention will be shown to have been undertaken, not as a form of economic policy or to express the economic power and centrality of the state, but as a rhetorical position generally resting on imperial benefaction at the core: to control prices was to propose a socio-moral standard which was guarded by the imperial person. I will argue that, while intervention into “low”
commercial activity did happen, in practice it was a mediated process, so that imperial pronouncements, complete with their moral force, reached merchant populations only after they had been translated by regional or local officials who had a closer understanding of how and in what ways law could be imposed.\textsuperscript{166}

**Price Fixing:**

The Roman Empire provides evidence of a long string of periodic, unsystematic attempts to control the level of prices. These attempts date back at least to the reign of Tiberius and have, as their general target, the restriction of the cost of foodstuffs in specific locations, most often major, urban centers.\textsuperscript{167} There were practical reasons for this focus: price fixing served as a means for the state to limit its own expenses,\textsuperscript{168} was a means of demonstrating authority in the marketplace, and, perhaps most importantly, price fixing reduced the risk of riots that followed high prices on bread and staple grains.\textsuperscript{169} These riots, or, rather, the threat of riots, were a common occurrence in urban life, tied in with an economic landscape that included volatile prices,\textsuperscript{170} environmental

\textsuperscript{166} A conclusion drawn, regarding production and distribution, in García, “El Intervencionismo Estatal En Los Campos de La Producción y La Distribución Durante La Época de Los Antoninos.” Compare to Eich, “Ökonomischer Interventionismus im 3 Jh.?”

\textsuperscript{167} Though this evidence has not been previously mobilized in defense of this point, this legislation aligns nicely with arguments by Bang, *The Roman Bazaar*, chap. 3, and Bransbourg, “Rome and the Economic Integration of Empire.” about the limited market integration of the empire. Price fixing in the early empire is generally targeted on Rome alone, as with Tiberius, Nero, and Commodus, though later both Constantius Gallus and Julian intervene to lower prices at Antioch-on-the-Orontes.

\textsuperscript{168} MacMullen, *Soldier and Civilian in the Later Roman Empire*, 93–94; Williams, *Diocletian and the Roman Recovery*, 130–31; Carrie, “L’Economia e Le Finanze.”

\textsuperscript{169} Erdkamp, “‘A Starving Mob Has No Respect’”; Garnsey, *Famine and Food Supply in the Graeco-Roman World*. See also Heayn, “Urban Violence in Fifth Century Antioch.” for how food riots contributed to more ideological battles in Antioch.

\textsuperscript{170} See: Bang, *The Roman Bazaar*, 136–53, esp. 138. Or, in the case of bread, loaf size was often the volatile factor, see: Garnsey and Van Nijf, “Controle des Prix du Grain a Rome et dans les Cites de l’Empire,” 311ff. In this case prices seem to have been stable and regulated, but loaf size fluctuated depending on the supply and demand.
instability,\textsuperscript{171} and a tendency toward hoarding among those who sought to use the market to their own advantage.\textsuperscript{172} The \textit{annona} was one means of staving off these outbursts of public displeasure, but, since this institution generally only applied to bread, and was only available to a fraction of the population,\textsuperscript{173} the cost of grain, wine, oil, and other staples remained a concern.

Placing limitations on prices was adopted as the standard response by imperial and regional officials, and was, at times, requested by crowds of hungry citizens. These requests are complicated, as Erdkamp has argued.\textsuperscript{174} Not only was there the matter of genuine hunger at stake, exacerbated, frequently, by food crises,\textsuperscript{175} but there were also moral and pseudo-moral issues at play in the regulation of prices.\textsuperscript{176} These tended to surround issues of hoarding, where, at least in common perception, though goods were available, they were purposefully withheld by those with means, aggravating high prices and turning misery to the advantage of the wealthy. Hoarders sought personal gain by slowly selling off their stockpiles and kept prices high through control of the supply.

\textsuperscript{171} Garnsey, \textit{Famine and Food Supply in the Graeco-Roman World}, chaps. 1–3; Horden and Purcell, \textit{The Corrupting Sea}, chaps. 2, 4, 8.
\textsuperscript{172} Erdkamp, “‘A Starving Mob Has No Respect,’” 104–7. While riots containing physical violence certainly happened in the Roman world, we must also understand that the threat of such violence was, or could be, just as powerful as an actual violent event. Complaints about the food supply were, as we will argue, a means of expressing displeasure with officials. These were not unlike complaints made in the Circus in late antiquity. See: Slootjes, “Crowd Behavior in Late Antique Rome.” for a recent treatment of this kind of conflict in the fourth century that also offers a more complicated picture of what actually consituted the urban “crowd.” See also Shaw, “Bad Boys: Circumcellions and Fictive Violence”; Bryen, \textit{Violence in Roman Egypt}, chap. 4. for treatments of violence that deal with the effects of the rhetoric of violence.
\textsuperscript{173} Carrie, “L’Institution Annonaire de la premiere a la deuxieme Rome: Continuite et Innovation,” 166–78; 184–85; Whittow, “How Much Trade Was Local, Regional and Inter-Regional?: A Comparative Perspective on the Late Antique Economy,” 139.
\textsuperscript{174} Erdkamp, “‘A Starving Mob Has No Respect,’” 98–104.
\textsuperscript{175} Adopting the terminology of Garnsey, \textit{Famine and Food Supply in the Graeco-Roman World}, 3–7., and distinguishing crisis from famine along similar lines. Also discussed, specifically in the late antique context, in Kohns, \textit{Versorgungskrisen und Hungerrevolten im spätantiken Rom}.
\textsuperscript{176} Erdkamp, “‘A Starving Mob Has No Respect,’” 107–10; 113–14.
Price fixing, it was believed, forced hoarders to sell, since they could not profit from holding onto goods. The intervention of the state, then, was a positive step, but one that was implicated in questions surrounding morality and the just treatment of social and economic inferiors. It was, in the view of the urban populace with whom this legislation was primarily concerned, the duty of the state, and of patrons, generally, to provide for those under their authority.177

References to high prices are numerous in our sources and are almost always accompanied by some measure of blame attached to them. Julian found the crowd in the theater of Antioch chanting, “Everything plentiful; everything dear!”178 along with demands to control the individuals who were driving up the cost, while the evidence of the Tosefta prohibits hoarding with the explicit reasoning that to do so “spoiled” or “cursed” the prices.179 Erdkamp makes the point, to which this chapter will return, that if prices were high, there was almost always someone who could be blamed for making them so, be it authorities, landowners, or merchants.180 It is unlikely coincidental that Julian gathered just these groups when deciding what measures to take to constrain prices in 362 CE. He knew, as did the people of Antioch, that responsibility would be assigned, rightly or not, to one or the other of these groups.181 His own public record of his actions, the Misopogon, shows a desire to protect himself from blame and to implicate as many groups as possible, in the event that his measures failed.

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177 This is probably more trope than reality, and it is one that is more visible in scholarship on early Christian sources than in their Roman counterparts. See, for example: Rhee, Loving the Poor, Saving the Rich; Coutsoumpos, Paul, Corinth, and the Roman Empire, 38–42; Chow, Patronage and Power.
178 Julian, Misopogon, 368c.
180 Erdkamp, 104–7.
181 Julian, Misopogon, 350A, the extended list of those being blamed already
Food stuffs are generally central to price fixing, since the consequences of failing to regulate these prices could lead to violent, at times deadly, outcomes. This violence was often directed against state officials and elites, those deemed by the populace as most empowered to resolve injustices. Philostratus’ *Life of Apollonius of Tyana* records several attempts made on the lives of officials that were prevented by the wandering sage, while Dio Chrysostom records that he himself was the target of violence because of his perceived wealth in another time of crisis.¹⁸²

However, prices were also, rarely, fixed on non-food items. The best-attested example is that of Marcus Aurelius, controlling the prices to be paid for gladiators.¹⁸³ The law is exceptional in many respects. Of all known examples of price fixing under the Empire, its geographical scope seems to have been the largest, with fragments of the inscription recording the law being discovered in both Spain and Asia Minor, and with the internal evidence demonstrating that the law had special significance for Gaul as well.¹⁸⁴ The distance between these points hints at applicability that spanned the whole of the empire, more even than that achieved by Diocletian’s Prices Edict.¹⁸⁵ Yet, as ambitious as it appears to have been, Marcus Aurelius’ law did not control the prices of the market, but rather those paid by imperial priests putting on gladiatorial fights as part

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¹⁸³ The so-called, “SC de Pretiis Gladiatorium Minuendis” (CIL II 6278 = ILS 5163) 177 CE, the real title of the document is unknown.
¹⁸⁴ Oliver and Palmer, “Minutes of an Act of the Roman Senate,” 324. and *Senatus Consultum*, line 15
¹⁸⁵ Fragments have been found in over forty different locations, but evidence suggests that the Prices Edict was only put in force in the eastern Mediterranean. A lone fragment found in Pettorano, in southern Italy, has raised some questions about examples in the west, but it is now generally believed that this fragment traveled to the west as building material, rather than as the text of the Edict. See Giacchero, *Edictum Diocletiani et Collegarum de pretiis rerum venalium in integrum fere restitutum e Latinis Graecisque fragmentis*, 82; Corcoran, *The Empire of the Tetrarchs*, 230.
of their official duties. The law, as written, forgave *vectigalia*, customs duties, traditionally levied on gladiators and paid by *lanistae*, gladiator trainers or dealers. By cutting these taxes, the state declared that it was justified to establish a rubric of prices that merchants, whether *lanistae* or others, were to adhere to in their sales. The detailed reasoning put into the legislation is untypical. By comparison, we are told that Commodus, only a few years after this, “ordered a reduction of prices [on crops], the result of which was an even greater scarcity.” The *Historia Augusta*, which is our principle source for this episode, is not concerned with legislative detail in this passage, since the mention of the prices is mainly part of the greater narrative to illustrate Commodus’ cruelty. We are told that Commodus put to death and confiscated the property of, “those who...were plundering the food supply.” Despite the difference in the narrative’s purpose, there seems to have been no plan in place to incentivize lower prices, as there was in Marcus Aurelius’ case. Instead, an order was made and expected to be met with compliance.

This kind of demand is by far the more typical form of price fixing, not only in narrative sources, but even in legal evidence. Yet, as common as these orders are, the results were not generally positive, as the example of Commodus shows. Though we do not always have evidence to present us with the outcome of price fixing, when we do it is

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186 For details on the legislation see, Carter, “Gladiatorial Ranking and the ‘SC de Pretiis Gladiatorum Minuendis’ (CIL II 6278 = ILS 5163).”
187 SHA, Comm. 14.3, *vilitatem proposuit, ex qua maiorem penuriam fecit*, based on context, crops are presumably the target of the price reduction. There is no reason to presume that the law was more ambitious since it would have been in the interest of the author of the *HA* to embellish the story with those details.
188 Ibid, *et eos quidem qui omnia vastabant postea Commodus occidit atque proscripsit.*
generally this: “even greater scarcity,”189 “a curse on the prices,”190 “much bloodshed,”191 and “corn sold secretly in the country.”192 The risks of price fixing and the tendency toward failure were well-known in antiquity. Ammianus Marcellinus provides the most thorough caution:

Inter praecepua tamen et seria illud agere superfluum videbatur, quod, nulla probabili ratione suscepta, popularitatis amore vilitati studebat venalium rerum, quae non numquam secus quam convenit ordinata inopiam gignere solet et famem.

Nevertheless, among these important and serious matters, he seemed to be acting to no purpose in that, without any justifiable reason, but from a love of popularity, [Julian] desired a reduction of the prices of goods for sale, which sometimes, when it is not arranged properly, is accustomed to case scarcity and famine.193 Ammianus’ doubts about Julian’s sincerity are of interest,194 and are a point to which we will return, but here it is notable that Ammianus is perfectly aware of the consequences of price fixing. Though the examples of consequences listed above are separated by time, place, and even literary tradition, it is clear that those lessons had not been consigned to a distant past, but remained in the minds of ancient authors, as well as, in all likelihood, their educated readers. Ammianus claims it was possible for price fixing to work but adds the strong proviso that such matters must be ordinata, regulated properly, in order for them to succeed.

As Corcoran has noted, Julian, by his own account and by that of other witnesses, tried his best to regulate his price fixing measures.195 Like others before him, his

189 Ibid.
191 Lactantius, de Mortibus Persecutorum, 7.7.
192 Julian, Misopogon, 369c.
194 Particularly in light of Ammianus’ generally favorable attitude toward Julian. See: Ross, Ammianus’ Julian, chap. 3.
195 Corcoran, The Empire of the Tetrarchs, 216–17.
legislation was met with lack of cooperation and hoarding, but he reports that he imported additional grain to the market to help increase supplies, and Libanius reports that the emperor met with a small army of people who had power over prices: farmers, artisans, shopkeepers, and elites. Despite these efforts, there seem to have been extenuating circumstances that prevented Julian's success. Socrates of Constantinople records that Julian’s presence in the city along with a large army strained the market. Additionally, Julian’s grain imports were probably used as an excuse to hoard, since it was believed that the new grain would make the market volatile for a time.

These efforts, and challenges, have been noted, but the failure of these measures has been central to the discussion about them, rather than the perspective and intentions of ancient actors. This is particularly evident in the discussion regarding Diocletian's Edict. Though the Edict lacks some of the surrounding evidence that makes the case of Julian easy to expand upon, economists have fixated upon the example of Diocletian as both typical and exceptional. The length of the Edict, along with its long preface, make it tempting, but, even more than the text itself, the argument about the viability of price fixing thrives on Lactantius, who gleefully reports the failure of the Edict. Lactantius’ account is brief, and worth viewing in its entirety:

\[ Haec quoque <quomodo> tolerari possunt quae ad exhibendos milites spectant? \]
\[ Idem insatiabili avaritia thesauros numquam minui volebat, sed semper extraordinarias opes ac largitiones congerebat, ut ea quae recondebat integra atque inviolata servaret. Idem cum variis iniquitatisbus immensam faceret \]

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198 Socrates of Constantinople, *Historia Ecclesiastica*, 3.17; a similar charge may be raised against Diocletian, that the expense of his travels, with his retinue, was partially responsible for the increase in prices experienced during his reign.
caritatem, legem pretiis rerum venalium statuere conatus est; tunc ob exigua et vilia multus sanguis effusus, nec venale quicquam metu apparebat et caritas multo deterius exarsit, donec lex necessitate ipsa post multorum exitium solveretur.

Can even these things be tolerated which they try for maintaining the soldiers? This same Diocletian, through his insatiable greed, never wanted his treasuries to be diminished, but he was constantly amassing extraordinary riches and largess so that his stores might remain whole and inviolate. He also, when by various crimes he caused an immense rise in prices, he promulgated a law to set the prices of goods for sale. Then much blood was shed over small and cheap goods, and nothing appeared for sale because of fear, and the prices became much more harmful, until the law, after many had been killed, was repealed from necessity. 201

Diocletian is presented here as greedy, and his measures to control prices as ruinous. As with Ammianus’ opinion about Julian, Lactantius believes that Diocletian’s actions are founded upon his desire for self-aggrandizement and enrichment. In both cases, price fixing seems to have been understood to be about the emperor and his character at least as much as it was about economic intervention.

**Moral Legislation and the Unity of Empire:**

This point has largely escaped modern commentators. Though they note, rightly, the physical and generic differences between the Prices Edict and other Tetrarchic laws, as well as those between the Edict and other price fixing measures, the continuity between these measures regarding issues of morality has not found a place in the discussion. Instead, the failure of the Edict has been central, which places scholarship in the awkward position of having to assume that Diocletian, Julian, and others did not

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201 Lactantius, *De Mortibus Persecutorum* 7.5-7, translation my own, text of Creed, J.L., *Lactantius: De Mortibus Persecutorum*. Like Creed, I do not accept the emendation of [non] before possunt supplied by Brandt, "Über Den Verfasser Des Buches ‘De Mortibus Persecutorum.’". The non is not included in the manuscript and is not necessary to make sense of the passage. Creed’s quomodo is speculative, and, in my opinion, is similarly unnecessary. The passage, as described below, makes perfect sense in the context of the Tetrarchic period and Lactantius’ relationship to the state.
understand the consequences of their actions, did not understand the economy, and did not adequately prepare for the interventions they wanted to make into market activity.²⁰²

Rather than this negative line, it seems more profitable to follow the moral tone presented by contemporaries of the laws, particularly considering the ancient discussion which surrounded these measures. In the case of the Prices Edict there is also sufficient evidence within the Edict to show that morality was also on the mind of the Tetrarchs. The most prominent theme of the preface to the Edict is not inflated prices, or even the legislation being put into effect. Rather, the text is preoccupied by the threat that *avaritiae*, greed, poses to the safety and moral wellbeing of the state.²⁰³ The term appears eight times,²⁰⁴ and is particularly associated with merchants, *venditores…emptoresque*,²⁰⁵ who are possessed by a greedy madness that made these men forget their duty to the empire,²⁰⁶ and particularly to the military.

As a response to the situation, Diocletian and the Tetrarchs appear as guides through the moral crisis. They style themselves *parentes* of the whole world, a Roman world united by the list of goods that follow the preface, which include beer from Gaul and Egypt,²⁰⁷ wool from Mutina and Laodicea,²⁰⁸ and saffron from Arabia and Africa.²⁰⁹ The inclusion of some of the more specialized goods, as well as some strange absences,

²⁰² MacMullen, *Roman Government's Response to Crisis, A.D. 235-337*, 122., who otherwise seems to understand the complex layers of the Edict, nevertheless says that the Edict shows “a certain limited intelligence” with regard to economic/monetary matters, comparable sentiments abound in Finley’s *Ancient Economy* and throughout Roman economic literature.
²⁰³ The same motivation is claimed by Julian, *Misopogon*, 365D, τὸ τῆς ἀγορᾶς εἴργαæ τῆν πλεονεξίαν “to banish greed from the marketplace.”
²⁰⁴ Edict, Preface, lines 27, 38, 84, 88, 113, 121, 140, 151.
²⁰⁵ Edict, Preface, line 122, this line calls for both sellers and buyers, this latter should not be understood as retail consumers, but rather wholesale buyers and middlemen.
²⁰⁶ Edict, Preface, line 27, *avaritia desaeviens*, 37-38 *cupido furoris… avaritiae.*
²⁰⁷ Edict, Section II.11-12.
²⁰⁸ Edict, Section XXI.1-2.
²⁰⁹ Edict, Section XXXIV.14 and 16.
have motivated scholarly examinations of the prices given for goods and labor, the
closeness of these prices to an imagined late antique reality, and of the methods that
might have been used to generate the list, but they have not yet addressed the rhetorical
ploy at use here: the Tetrarchs, led by Diocletian, are presenting themselves as the moral
protectors of the Roman Empire through their effort to fix prices.

The claim is a bold one, but it is grounded upon the Edict itself. The document
reaches its conclusion with the request that all people act in “willing obedience” with, “a
law constituted for the public good,” and specifically undertaken for the betterment of,
“the whole world,” universo orbi. It is a passage that attracted the attention of Clifford
Ando, who has used the section to argue that the Edict, along with similar legislation,
acted as a call to the citizens of the empire to participate in a consensus of the Roman
state, and as evidence that the emperors acted out of at least a rhetorical concern for the
well-being of the people.

In light of the claims that the Edict itself is making to its scope and intent, it is
clear that the Edict should not be read merely as another piece of a greater economic plan
orchestrated by the Tetrarchs. The genre, content, and reception are all demonstrably
different from the contemporary changes being made to tax and monetary law. To start,
as Corcoran and others have rightly noted, the length of the Edict is its own impressive

211 Edict, Preface lines 145-153.
212 Ando, Imperial Ideology and Provincial Loyalty in the Roman Empire, 366–67.
statement. Unlike other laws, this document has a lot to say for itself. Corcoran has compared the extended lists with inscriptions pertaining to customs and tolls but was unable to find a parallel for its expansive preface. I suggest that this lack of parallel may originate from a desire to find a similar document from among examples of economic reforms. Diocletian’s own economic legislation certainly does not provide a comparable decree and other economic reforms are generally matter of fact in their presentation of law. Corcoran, however, began to branch out in his pursuit of a similar preface, looking at the Damascus incest edict and a letter to the Manichees as comparanda.

Though Corcoran noted the discrepancies in scale between these texts and the Edict, it seems clear from his analysis that the preamble should be much more closely aligned in genre and content with religious or moral legislation than economic laws. In this effort, we are under-supplied with primary evidence, with so many of the decrees against the Christians and similar documents no longer extant, but there is some reason to suspect that the Edict fits in with a class of legislation that shared a universalizing tendency and was grounded upon the presentation, or creation, of a moral standard, whether positive or negative.

213 Corcoran, The Empire of the Tetrarchs, 205; Giacchero, Edictum Diocletiani et Collegarum de pretiis rerum venalium in integrum fere restitutum e Latinis Graecisque fragmentis, 132. both refer to the Edict as the “queen of inscriptions”
214 Corcoran, The Empire of the Tetrarchs, 220.
216 Corcoran p. 207; incest edict, coll. 6.4; letter to the Manichees Coll. 15.3
MacMullen has already begun to make this point, by discussing the Edict in light of imperial propaganda. He associates the rhetoric of morality in the Edict with a movement in the third century to identify and root out vices in the population, to clarify the repellant nature of crimes that would be punished legally, while also condemning them in explicitly moral tones. His description closely and intentionally mirrors the ways in which religious legislation of the period is often discussed: Christianity was a threat to the Roman status quo because it threatened the equilibrium between gods and men and the favor that Rome had long experienced from the divine. Other crimes also upset this balance and are particularly relevant in the face of political and economic unrest. MacMullen eventually defines the Edict in a particularly helpful way, as a “hortatory law text.” It is a useful category because we can begin to fill it with other examples, despite our fragmentary record, which can help us to see the ways in which the Edict was building upon earlier legislation.

MacMullen has already pointed out the statements of the panegyrics of the 4th century, which praise emperors for instituting “new laws to control mores.” These, and legislation echoing similar sentiments, seem to originate, as a type, in the early third century. The fragment of the Constitutio Antoniniana, which emphasizes the majesty of the Roman people and offers thanksgiving for Caracalla’s survival following the conspiracy of Geta, hints that it may have belonged in this category. It was a text that presented not only a new legal definition of status, but also one that attached moral

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218 MacMullen, 199.
significance to that status.\textsuperscript{220} \textit{Romanitas}, we must remember, was a category laden with moral meaning and one that was linked with certain kinds of behavior. The \textit{Constitutio}, like the Edict, treads the line between religion and morality on the one hand, and tax and citizenship law on the other. These two sides are not necessarily in tension, as has been noted by scholars previously,\textsuperscript{221} and we should not dismiss the legal validity of the reform because there was a “propagandistic” message being conveyed at the same time. It is clear, from both the text of the \textit{Constitutio} and the contemporary description of it by Cassius Dio that it was understood to have both forces.\textsuperscript{222} It was a statement of imperial power over personal identity, economy, and politics as well as a dictate about legal status.

The argument has already begun to be made that the \textit{Constitutio} has both economic and religious elements working concurrently, most notably by Lukas de Blois,\textsuperscript{223} who has maintained that the \textit{Constitutio} should be considered as a forebear of the religious legislation of Decius, a comparison also found in Noethlichs, among others.\textsuperscript{224} De Blois’ point is explicit: both Decius’ decree and the \textit{Constitutio Antoniniana} were unifying legislation, urging the entire empire to participate in a common religious act. James Rives has echoed this sentiment,\textsuperscript{225} while Decius’ decree may be linked to anti-Christian sentiments, it does not have to be exclusively tied to that issue. The decree strove to unite the empire around a universal religious and moral center, the practice of

\textsuperscript{220} On the text, see: Heichelheim, “The Text of the ‘Constitutio Antoniniana’ and the Three Other Decrees of the Emperor Caracalla Contained in Papyrus Gissensis 40.”
\textsuperscript{222} Cassius Dio, Ῥωμαϊκὴ ἱστορία, Epitome of Book LXXVIII 9.4.
\textsuperscript{223} de Blois, “The Constitutio Antoniniana (AD 212): Taxes or Religion?” 1018.
sacrifice and the physical demonstration of proper loyalty.226 This unity was made clearer through the presentation of an “Other”: those who practiced improper sacrifice and were, fundamentally and visibly, disloyal and threat to the state.

However, there was a positive vision for this center as well. These texts imagined proper loyalty being displayed through common practice, typically voluntarily,227 but Rives is right to form the parallel between Decius’ decree and tax collection.228 The same mechanisms were at play bureaucratically: receipts were given and participation was compulsory. Taxation is, similarly, a unifying undertaking, shared by everyone, even if it was a common burden. Whether it was religious or economic behavior, unity was achieved through common experiences, under the auspices of a state that was, at least rhetorically, both the agent responsible for creating, and the guardian of, a unified Empire.

It is into this framework that Diocletian’s Edict may be placed.229 The Edict is a perfect example of compulsory participation in an empire-wide effort tied into the promotion of a universal moral standard. In this case, it was ostensibly intended to curtail the freedom of greedy merchants and lower prices for all citizens, and particularly those in need, with the ideal example presented as soldiers.230 As with the unity presented as arising from a common religion, the example of the military is hardly accidental. The Edict presents the soldiers as working tirelessly following orders to defend the state. The

226 Rives, 150.
227 Ando, Imperial Ideology and Provincial Loyalty in the Roman Empire, 396–97.
228 Rives, “The Decree of Decius and the Religion of the Empire,” 149.
229 And it is not the only law of Diocletian that may be placed into this framework, see Corcoran, “The Sins of the Fathers: A Neglected Constitution of Diocletian on Incest.” and Testa, Late Antiquity in Contemporary Debate, 96, who makes the same argument for the moral force of law in the case of Diocletian’s tax reform.
230 Edict, Preface, lines 99-102
earliest lines stress that peace has been won with “much sweat,” which can only be identified as coming from the military, who successfully secured the borders of the empire against foreign threats.231

Though obviously coming from a very different perspective, Lactantius’ complaints demonstrate the acceptance of this portion of the Edict’s position. Lactantius states: \textit{Haec quoque \textit{<quomodo>} tolerari possunt quae ad exhibendos milites spectant}, “Can even these things be tolerated which they try for maintaining the soldiers?” While Lactantius continues on to turn the issue of morality against Diocletian, throwing \textit{avaritia} back in the emperor’s face, the issue of the military, and its protection, is rhetorical territory that he cedes.232 The Edict presents this point as a fundamental common ground. It operates on the assumption that the necessity of caring for the army was a belief that would be shared by all citizens, and it knows that few, if any, would side with merchants over soldiers. Morally, the latter were, mostly, above suspicion,233 while the former were believed, by general consensus, to be greedy, self-interested, and outside the normal boundaries of Roman \textit{mores} through a construction of a stereotype that included foreignness, immorality, and a suspicious lack of community.234

It is in light of these kinds of moral judgments, which often transcend the texts themselves, that we can return to the skepticism that Ammianus had about Julian’s

\textsuperscript{231} Corcoran, \textit{The Empire of the Tetrarchs}, 212.
\textsuperscript{232} This line has been emended numerous times, as it has been deemed inappropriate for the historical context, however, it is not unbelievable that Lactantius should allow this much to Diocletian, following the civil and foreign wars of the previous fifty years and his own knowledge of the conflicts that led to the end of the Tetrarchy. Christensen, \textit{Lactantius the Historian}, 16ff. argues for Lactantius’ full awareness of this historical context.
\textsuperscript{233} With some notable exceptions, such as Malalas 12.38, and, of course, depending on whose perspective is taken, see: Bang, \textit{The Roman Bazaar}, 229–38.
\textsuperscript{234} See chapter five for a full discussion of this collection of stereotypes.
legislation at Antioch and Lactantius’ firm belief that Diocletian was only attempting to enforce maximum prices to support his own greed. Both of these perspectives are revealing of an important element of the reception of legislation: no one asks if a ruler “means” his legislation about taxation; no one is concerned about the sincerity of an emperor’s regulation of the military. Both contemporaries and historians place these kinds of laws in a different category from the Edict. Tax law, military reform, and most legislation, in general, does not adopt a stance of moral superiority or demand any kind of social or cultural adjustment. As a result, there is no equivalent statement of doubt about imperial intentions. Yet, we see these same concerns raised about the Constitutio Antoniniana that we see with the Prices Edict. Cassius Dio states that, though it seemed that Caracalla was honoring the Roman people by adding new citizens, the edict was, in fact, entirely about taxation. Dio undercuts the message that the emperor was spreading and states that, in his view, this law was about greed, rather than honor.

Dio and Ammianus, if not Lactantius, had little reason to be concerned about the “real” reasons for other kinds of imperial legislation. Similarly, the emperors did not need the kind of rhetorical posturing that is evident in the preface to the Edict and among other kinds of hortatory legislation. The, at times dramatic, justifications of these kinds of laws anticipate the push back they often received and seek to broadcast sincerity in a way that is not necessary in other contexts. In each case, there was a goal to the legislation beyond the moral, but the emperors were careful to stress the latter far more than the former.

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235 Cassius Dio, Epitome of Book LXXVIII, 9.4, “This was why he made all the people in his empire Roman citizens; nominally he was honoring them, but really to increase his revenues, since foreigners did not have to pay most of these taxes.”
because their aims were of importance for practical or propagandistic reasons, or, in many cases, both.

**Rhetoric Translated:**

The question remains: if the Edict was meant to present a moral message, and assert the moral authority of the emperors, as well as trying to enforce a new rubric for prices, how were those intentions translated in practice? Lactantius’ report about the failure and repeal of the Edict looms large at this moment, as does Ammianus’ view of the futility of price fixing. However, in the case of the Edict we have several small glimpses into the process whereby the rhetoric of the Edict was repackaged for its main audience, the *provinciales* of the empire.\(^{236}\)

The epigraphic transmission of the Edict has received a lot of attention. Crawford termed the Edict “Diocletian’s jigsaw puzzle,”\(^{237}\) and the effort to reconstruct its details from fragments spanning two languages and more than forty locations have produced a text that is itself open to interpretation at many points.\(^{238}\) The promulgation of the Edict in Latin and its subsequent translation, in some locations, provides us with one entry point into understanding the text’s reception. There are several impulses we may see on the part of the agents of the state here, and it is worth working through each in turn.

First, there are the locations that promulgated the Edict in the form in which it was issued. Six locations preserved the preface and the prices of the Edict in the original

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\(^{236}\) Edict, Preface, lines 84-85, *provinciales nostri*.
\(^{237}\) Crawford, “Discovery, Autopsy and Progress: Diocletian’s Jigsaw Puzzles.”
\(^{238}\) A new edition of the text was promised in Cooley, Mitchell, and Salway, “Roman Inscriptions 2001-2005.” but there is no sign that this much needed edition is forthcoming. Several new fragments have been found since Giacchero’s edition.
Latin without any translation. There is no evidence to suggest that the people of these cities had any particular facility with Latin, leaving us to question how accessible the Edict was for most of the population. Of course, we must be mindful of oral transmission, public announcements and word-of-mouth reporting, but a publicly inscribed document in a language known only by a few does not lend itself to consumption, even in a predominantly oral culture. Whoever was responsible for the inscriptions was likely more concerned with transmitting the exact word of the emperor and inscribing its massive extent than with how it would be received. This was an impulse that was grounded well in the reality of Roman law, where the word of the emperor held special status, but this form of the inscription was unlikely to have communicated that word particularly effectively.

Four additional locations, all in mainland Greece, provide the text of the preface in Latin, but translate the list of goods into Greek. This seems a functional compromise, leaving the possibility that an educated, or determined, reader could delve into the message of the emperor, but that the general population could use the list as a public reference, regardless of their fluency in Latin. Similarly, three other sites provide Greek translations of the goods with a translation of the first, explanatory line of the list into Greek: [Τί]νας τιμᾶς ἐκάστου εἴδους ο[ὗ]δεν ἐξέσται ὑπερβαίνειν ὑποτέτακται, “The prices for individual items which may be exceed by no person are listed below.”

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239 Egypt (exact provenance unknown), Aphrodisias, Knossos, Oetylus, Ptolemais, and Stratonicea; all locations drawn from Giaccherò, Edictum Diocletiani et Collegarum de pretiis rerum venalium in integrum fere restitutum e Latinis Graecisque fragmentis.
241 Delphi, Gythium, Platea, and Tegea.
242 Edict Section 1.1, Aegira, Lebadea, and Megara.
This translation does not provide any mention of penalties, which are included in the preface, not the main text, but stresses the importance of obedience with these prices, which is a practical approach to the Edict: its most important features are transmitted in an accessible language and the rest was deemed functionally irrelevant. Details could wait until infractions were reported.

Interestingly, and finally, fragments of Greek translations of the list of goods have been found at a further seventeen locations, without evidence of an explanatory heading of any kind. While it is possible that, in many of these cases, this is an accident of preservation, it is possible that these communities transmitted the details of the Edict orally, with the inscribed list serving as a reference, rather than a full record of the law. It remains unclear to us how the meaning of the list was transmitted. It is possible that an underlying oral culture in Roman law circulated the details, that the Edict was announced in some public fashion and word of mouth carried its provisions, more or less accurately, through the community. This process would have led to the use and reuse of the law, both in contexts for which it had been intended, as well as in situations that the state could not have anticipated. Alternately, the details may have been kept by officials, who revealed penalties and provisions as they deemed fit as a means of displaying their authority over the marketplace.

Whatever the case, these differences are reflective of an administrative reality: local practice and enforcement was diverse and somewhat unpredictable. For the emperors, this meant that their intentions were often only realized if local officials saw fit. In many of the inscriptions of the Edict, Diocletian’s message about avarice and his accusations against merchants were not available to the general population. The
justifications and moral urgings were received by officials, who sometimes decided that these points did not have to be included in the public inscription.

These officials were local figures who, perhaps, had a more practical approach to what could be enforced in reality or had an interest in transmitting the law in a particular way to serve personal interests or simply to save time. Translation into Greek in primarily Greek-speaking areas was one means of ensuring that the message was heard, but the translation was only the first level of mediation, which was often combined with an editorial process of determining what needed to be included and what could be safely left out. This process may have saved money on inscribing an extensive document or may have imposed a different lens upon a text that the state had intended to be read in a particular way.

This editing and translation process is to be expected with the promulgation of a document of this length, but there are certainly other processes that accompanied the transmission of the Edict and other imperial laws. Local officials not only had to handle the physical translation and editing of these documents but had to determine the best way to present the law and their own relation to it. We have a single example, but a powerful one, of an alternate means of presenting the Edict, from Aezani in Phrygia. In this city, the Edict was left in Latin, but the preface was not inscribed. As noted above, this was not unusual, but uncharacteristically the governor of the province of Phrygia-Caria, Fulvius Asticus, appended a short statement in Greek to the end of the Edict. This

243 First published in Crawford and Reynolds, “The Publication of the Prices Edict”; emended text by Oliver, “The Governor’s Edict at Aezani after the Edict of Prices”; with the preferred text being Lewis, “The Governor’s Edict at Aizanoi.” The following text is emended for punctuation.
document is a vital example of how imperial edicts were mediated through local agents of the state.

Fulvius Asticus writes the following:


Fulvius Asticus, the most eminent governor, declares: This, too, is said to be the divine foresight of our invincible and all-conquering lords, the Emperors and Caesars for the necessities of life: In order that, with an [abund]ance of goods for sale established at fair, fixed prices, (the cost) may be the same for all men and no one lack necessities because of the excessive aggressiveness and greed of some, since all villainy will be foiled, a fair and limited price has been set for every kind of thing. In order that this is preserved and remain through all time, has been provided for by their divinity, but in order that it become clear also to you with all care, a copy of the divine edict of the law on the price of goods for sale and contracts appears, displayed with the proper reverence above this edict of mine. [In Latin] Let it be published.244

There are clear elements of the Edict’s preface included here. Asticus clearly read the full document and knew enough to include references to the military might of the emperors and to put emphasis on greed as a motivating factor for high prices. Interestingly absent from the Edict, but present here, is the stress on the divinity of the emperors. Its phrasing

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244 My translation, based on Oliver, “The Governor’s Edict at Aezani after the Edict of Prices.” and Lewis, “The Governor’s Edict at Aizanoi.” The issues with the translation are discussed below.
hints at the other kinds of laws mentioned above and lends strength to the case of the Edict being one of MacMullen’s “hortatory laws.” Asticus’ version asks for obedience to the law through divine right. Thus, it participates in a long tradition of building state unity through common religious practice and taps into different strains of imperial propaganda. While it is an instance of creative license, Asticus is clearly in an active position, helping to shape the view of the Empire in a way that would not have been expected by the imperial center. For Asticus’ purposes, it is possible that he felt this version provided a better motivation to the people than that chosen by the emperors.

What is vital here, however, is the particular way that the provisions of the edict are reframed. Asticus states that the Edict is necessary because of the aggressiveness and greed, ὰρμην καὶ φιλαργυρίαν, of certain men. The equivalence between φιλαργυρία and avaritia is straightforward enough,245 but ὰρμη is without a parallel in the Edict. Its inclusion suggests the Asticus had a practical conception of the consequences of high or contested prices in the marketplace. Aggression or, perhaps more accurately, assault,246 would have been a pressing concern for an administrator, even more so than high prices themselves, as is evident in the findings of Erdkamp and others.247

In examining the rioting attached to food shortages and high food prices, Erdkamp has demonstrated that there were, at times, cases of life-threatening violence. Rioters on several recorded instances took up stones against officials and those believed to have power over the food supply. The case of Commodus’ price fixing, mentioned

245 Another option was πλεονεξία, but φιλαργυρία is the more common form. Lewis believes that this text may be a translation from Fulvius’ own Latin edict, thus the link between avaritia and φιλαργυρία may have been explicit.
246 ὰρμη is generally used of the first attack in battle, thus it implies physical violence.
247 Erdkamp, “‘A Starving Mob Has No Respect’”; Heayn, “Urban Violence in Fifth Century Antioch.”
above, is recorded very simply and briefly in the *Historia Augusta*, but it is given more detail in Herodian and Cassius Dio. In these versions, blame for the shortage is attributed to an imperial freedman, Cleander, who was in control of the food supply and hoarded up public grain. Herodian’s version is the most telling:

ἐπέσχε δὲ κατ’ αὐτὸ καὶ λιμὸς τὴν πόλιν ἐξ αἰτίας τοιαύτης. Κλέανδρος τις ἦν, τὸ μὲν γένος Φρύξ... ύπὸ δὲ πλούτου καὶ τρυφῆς ἄνεπείσθη καὶ πρὸς βασιλείας ἐπιθυμίαν. ἀθροίζων δὲ χρήματα καὶ πλείστον σῖτον συνωνομένος καὶ ἀποκλείον, ἠπιζέ<ν> ύπάξεσθαι τὸν τε δῆμον καὶ τὸ στρατόπεδον, εἰ πρῶτον ἐν σπάνει τὸν ἐπιτηδείους καταστήσας ἐπιδόσετε λαμπρὰς ἀλόντας πόθῳ τοῦ χρεοίδους προσαγάγοιτο... οἱ δὲ Ρωμαῖοι ἄπεχθὸς ἔχοντες πρὸς αὐτὸν καὶ τὸν δεινὸν τὰς αἰτίας ἐς ἕκεινον ἀναφέροντες μισοῦντές τε αὐτοῦ- τὸ ἀκέφορον τῆς τοῦ πλούτου ἐπιθυμίας, τὰ μὲν πρῶτα ἐν θεάτρῳ συνιστάμενοι κατὰ πλῆθη κακῶς ἡγόρευον, καὶ τὸ τελεταῖον, διάγοντος ἐν προσετείῳ τοῦ Κομόδου, ἐπιθυμεῖς πανδημεῖ ἔβδομον καὶ τὸν Κλέανδρον ὡς θάνατον ἠτοῦν.

For the same reasons, famine held the city at that time. It was a certain Cleander, a Phrygian, who was responsible… he was misled by his wealth and extravagance and a desire for power. And so, gathering money, he bought up most of the grain and hoarded it. He hoped to lead the people and the army. If at the first sign of the intentional scarcity he made a donation of grain, he would gain the support of the people in their suffering from the shortage… But the Romans hated him and traced the sources of their difficulties to him and especially hated his unceasing desire for wealth. First, banding together in the theater, they harangued him abusively, and later, going in a group to Commodus and shouting, they demanded Cleander be put to death. 248

Herodian then describes how both the cavalry and infantry stationed around Rome took sides in the ensuing conflict. Some defended Cleander while others sided with the mob. Cleander’s execution was undertaken at Commodus’ order, though, according to Herodian, the mob later killed Cleander’s family and all his friends on its own initiative.249 Most interesting, however, is the interplay between Cleander’s attempted coup, his bid for popularity and power, and his manipulation of the grain supply. His

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248 Herodian, τῆς μετὰ Μάρκον βασιλείας ἱστορία, 1.12.3-5.
249 Herodian, τῆς μετὰ Μάρκον βασιλείας ἱστορία, 1.13.6.
hoarding is not described as the typical greedy action of a wealthy man hoping to make a profit by manipulating a market prices, but as a calculated ploy to claim favor by manufacturing a crisis and then resolving it.

In Cassius Dio’s version of events it was actually the grain commissioner, Papirius Dionysius, who manufactured the crisis to bring about the destruction of Cleander, adding a potential layer to the story.\textsuperscript{250} Regardless, Commodus’ quickness in punishing Cleander is striking. Herodian implies and Cassius Dio directly states that Commodus acted out of fear in his execution of Cleander,\textsuperscript{251} that the unrest genuinely worried him.\textsuperscript{252} We can imagine that the threat of this kind of violence was concerning to all administrators, whose own personal safety was commonly on the line in such situations. While Asticus’ concern about ορμή does not appear in Diocletian’ Edict, which has an understandable interest in presenting the Empire as a generally peaceful place because of the diligence of the emperors, Asticus’ view may reflect a more realistic understanding of what could go wrong on ground in a province.

In particular, Asticus names excessive ορμή as a threat to peaceful society. This qualifier, υπερβάλλουσαν, suggests something that Erdkamp has highlighted, that the

\textsuperscript{250} Cassius Dio, Ῥωμαϊκὴ Ἰστορία, 73.13.1.
\textsuperscript{251} Cassius Dio, Ῥωμαϊκὴ Ἰστορία, 73.13.6.
\textsuperscript{252} Cassius Dio, Ῥωμαϊκὴ Ἰστορία, 73.13.4-6 καὶ δς στρατιώτας τινὰς ἐπ’ αὐτοὺς ἐπεμψε, καὶ ἔτρωσάν τινας καὶ ἀπέκτειναν: οὐ μέντοι καὶ ἀνείρηθι διὰ τοῦτο ὁ δήμος, ἀλλὰ τῇ τε πλήθει σφῶν καὶ τῇ τὸν δορυφόρον ισχὺ θαρρήσας ἐπὶ μᾶλλον ἠπίστηθε. πλησιαζόντων δὲ αὐτῶν τῷ Κομμόδῳ, καὶ μηδενὸς οἱ μηνύοντος τοὺς γνώμονας, Μαρκία ἐκείνη ἠπείχθη τὸν ἄλλον Κόμμοδος σφαγῆσαι καὶ τὸ παιδίον αὐτοῦ, ὅ καὶ ἐν ταῖς τοῦ Κομμόδου χερσὶ έπεμψε, σφαγῆσαι κελεύειν. [Cleander] sent some soldiers against [the crowd], who wounded and killed some of them; but, rather than being deterred by this, the crowd, encouraged by its numbers and the strength of the Pretorians, pressed on with all the greater determination. They were already drawing near to Commodus, whom no one had kept informed of what was going on, when Marcia, that wife of Quadratus, reported the matter to him. Commodus was so terrified (he was ever the greatest coward) that he at once ordered Cleander to be slain, and likewise his son, who was being reared in the emperor’s charge.
conflicts regarding grain and its price were part of a moral economy that included a social contract. Grain was supposed to be available at reasonable prices and rioting, unrest, and civil disturbance was the natural and expected response to failure. Thus, a certain amount of tension was acceptable, part of a warning system to the administration that matters required their attention, as long as it was not taken to an “excessive” level and did not turn truly violent, requiring the intervention of a more senior official or, in an extreme case, action from the emperor and his military.

However, what is most interesting in these kinds of narratives is that the rioters lay blame on officials and prominent men, and not, generally, on merchants. The Edict is explicit that greedy merchants were responsible high for prices, yet it seems that merchants were not generally the target of mob anger. Asticus is slightly cagier in his framing of the problem, perhaps demonstrating that the Edict’s accusation was not a universally held belief. He first attributes greed to τινῶν, certain people, and, though his implication seems clear in light of the Edict, he merely goes on to call for an end to πανούργος. This is a challenging term, meaning, perhaps most neutrally, “the willingness to do anything,” but more accurately something like, “lack of proper scruples.” The implication, in an economic setting, is men who are greedy to the point of immorality. Asticus, however, does not name merchants explicitly. His goal may have been to avoid

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253 Erdkamp, “‘A Starving Mob Has No Respect,’” 112–15.
254 Erdkamp, 106. noting that corn merchants do not feature in the accounts of Philostratus or Dio Chrysostom.
255 Tax collectors and state officials were generally the target, as in Augustine, Sermones, 302, with the lynching of a garrison commander. See: Oliveira, “Le « pouvoir Du Peuple ».” on this episode.
256 The word is used, with this meaning, at 2 Cor 12:16. It is commonly translated as “crafty” but that actually lacks the truly pejorative meaning. It is common in Plutarch and appears in Julian, Misopogon 371a where such men are paired with thieves as part of Julian’s concluding message about the ingratitude of the people of Antioch.
offending people he was charged to rule over and work with, but its effect captured some of the Edict’s rhetoric without preserving its uncompromising stance against merchants.

Yet the most obvious difference between Asticus’ words and the Edict itself regards the exact provision of the law. Scholarly attention has focused on this difference, the line drawn between Diocletian’s “maximum price,” and Asticus’ “just” or “fixed price.” Everyone who has worked on the Aezani copy of the Edict has noted it, with some, like Bowman, stressing the inaccuracy of the just or fixed prices over any possible intention. Two scholars together open up a way forward when considering why Asticus would have deviated from the message of the preface so dramatically.

Lewis notes that the Edict stresses the importance of maximum prices too heavily for it to have been possible for Asticus to miss it. While he continued on to insist that Asticus’ choice of language, ὥρισμένος, should not be translated as “fixed” but rather “limited,” it is not necessary to be worried by Asticus’ choice to deviate from imperial will in this matter, or to draw such a firm line between these two translations. The reading of “fixed” does not indicate stupidity on Asticus’ part or a sign that he had “gone rogue” from the message of the state. Further, “limited” need not be a direct rendering of Diocletian’s request for a maximum price. In fact, more telling is the repetition of the binary pair in the text, first at line 5, δίκαια καὶ ῥήτα, and then at 8-9, ἰσην καὶ

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260 Lines 8-9, according to Lewis, “The Governor’s Edict at Aizanoi,” 19.
 difficulté ενην. Asticus’ repetition is more rhetorical than it is a clear rendering of legal specifics. The language shows *variatio* and the stress is on fairness, a common theme of discussions surrounding price,\(^{261}\) and on control, not on the application of the law as a maximum or a mandated price.

In fact, Diocletian’s own language echoes Asticus’ binaries. Lines 108-111 of the text specify that the Edict gives *non pretia... sed modum*, a *modus*, a measure or limit, not a maximum. The specification of a maximum is never actually given in the preface. The first, much reconstructed, line reads *[Quae pr]etia [singularum specierum ex]cedere nemini licitum sit, [i]nfra oste[nditur]*, “The prices of individual items which no one may exceed are listed below,” and it is only here the use of the lists are clarified. The fragment of the Edict from Aezani is broken in such a way that we cannot be certain if it contained this clarifying line, however, Asticus was not deviating wildly from the preface in presenting vague provisions. The Edict’s purpose and the intentions of the emperors remain clear and uncontradicted.

Lewis, Crawford, and others have all recognized similarities between the Aezani governor’s edict and a fragment of papyrus of the same period, a governor’s statement attached to an imperial Edict from Egypt.\(^{262}\) That document also preserves an edited text, not the exact words of the imperial edict on which it is based. It is clear that the governor, Aristius Optatus, was working from a text that he was charged to publish along with his own message. Asticus was in the same position. As Lewis argued, he knew the contents

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\(^{261}\) Erdkamp, “‘A Starving Mob Has No Respect,’” 106–7; 110. “just prices” are a recurring feature in the texts of this period and are part of the social contract of the moral economy that Erdkamp has advocated for.

of the Edict’s preface, but we should not assume that he was without the ability to interpret and reframe that text under his own agency, or that he was even required to be exact in rendering its specifics.

Corcoran’s response to Fulvius Astitus’ edict provides us with the key to understanding how and why a governor might deviate from the text of an imperial edict. In his opinion, there are two impulses at play with the publication of secondary gubernatorial edicts: first, these edicts had the power to encourage the wider dissemination and publication of the imperial law, and second, and importantly clear in the actions of Astitus, is the ability of the governor to mediate, interpret, and repackage imperial commands.  

The greatest concentration of fragments of the Edict have been found in the territory controlled by Astitus, and it is likely that, for whatever reason, Astitus was a particularly keen supporter of this legislation. It is possible that the circumstances of Phrygia-Caria were such that Astitus believed that the Edict was a useful tool. Astitus, like other governors and even more local officials, had knowledge of how he could best interact with his local population, or at least had access to this knowledge through his staff, which was a standing force in the province that maintained continuity between governors. Astitus’ edict is an enthusiastic endorsement of the Edict but uses a mode of rhetoric more suitable for his territories. He stresses that the Edict was a product of the goodwill of the divine emperors and carried out for the specific well-being of the people,

263 Corcoran, The Empire of the Tetrarchs, 245; Crawford and Reynolds, “The Publication of the Prices Edict,” 162.
264 Corcoran, The Empire of the Tetrarchs, 245.
a point also made in the Egyptian governor’s edict. While this message appears in a roundabout way in the Edict itself, as Corcoran and others have noted, Asticus is more enthusiastic and forceful in presenting the Edict as being for the benefit of the people. He says it directly: the law was issued, “so that (the cost) may be the same for all men and that no one lack necessities,” and he chooses not to name a specific culprit behind the legislation to avoid alienating anyone.

In light of this kind of mediation of imperial rhetoric, the choice to express the provisions of the Edict as fixed, rather than maximum prices makes more sense. If Asticus chose to soften the blow that the Edict directed against merchants, then it is only sensible to assume that he recognized, as other men of learning had already done, that maximum prices would not solve the problems of supply and inflation. While fixed prices were subject to the same kinds of economic problems that maximums faced, Asticus’ phrasing hints that he understood that the prices would function as guidelines, not upper limits. It seems that his edict envisions these prices operating as a starting point, and that they could set the bar lower for the starting cost of goods and be a reference that customers could point to in negotiations. This is evident in the absence of supply and inflation.

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265 P. Cair. Isid. I 2 lines 10 and 17-8, [εὐ]εργετηθέντες σύν καὶ ἐν τῷ τὰ μέγιστα οἱ ἐπαρχεῖται, and μεγαλοδωρίαν τῶν Αὐτοκρατόρων ἡμῶν καὶ τῶν Καισάρων.
266 Edict, Preface lines 46-47, ad commune omnium tempermentum remediis provisionis nostrae conferatur.
267 Fulvius Edict, lines 5-7.
268 A favorite topic of scholarship, especially in the 1990s, see: Whittaker, “Inflation and the Economy in the Fourth Century AD”; Wassink, “Inflation and Financial Policy under the Roman Empire to the Price Edict of 301 A.D.”; Istituto Italiano di Numismatica, L’inflazione Nel Quarto Secolo d.C.; Carrie, “Observations sur la fiscalite di IVe siecle pour servir a l’histoire monetaire”; Depeyrot, Crises et Inflation entre Antiquité et Moyen Age. For a more interesting take, see: Jovanovic, “Avaritia i Inflacija,” which considers the role of avarice, as ascribed to merchants and others, in real and perceived inflation.
any mention of the punishment for exceeding these prices. In fact, punishment is wholly absent from the extant copy of the Edict at Aezani as well Asticus’ personal statement.

Yet, for Asticus, this was not the central to what he wanted the Edict to do in his territories. Rather, and thus far unremarked upon in scholarship, Asticus stresses one important thing that he imagines that the Edict will achieve: prices that are τὸ ῥᾶ ἀνθρώποις ἁπάσιν.269 The text of Asticus’ inscription is corrupted just before this portion, but no similar phrase appears in the Edict. In fact, the implication that all men should have the same price for goods is demonstrably absent from market contexts in antiquity. Though understudied, bargaining was a common, even ubiquitous practice in the Roman Empire.270 Asticus’ reinterpretation of the Edict imagines that all prices will now be the same, or at least similar, for everyone, that there will be a single market price that everyone will have equal access to. In its own way, this statement is as great, or an even greater intervention into market practice as the establishment of maximums for prices, and Asticus’ choice to try to control this element of merchant activity is both ambitious and, ultimately, unenforceable.

Yet, if all customers, regardless of status, could appeal to the prices of the Edict as a common point of negotiation, then the Edict would have the effect of leveling the playing field. While it might not set a single, fixed price that all would pay, it would have a very real impact upon who had access to what prices. Negotiation, generally, had a component of trickery, of outwitting one’s business partner for the best price, and

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269 Fulvius Edict, lines 5-6.
270 E.g. Apuleius, Met. 1.24, Digest 19.2.22.3 (Paul, On the Edict, Book XXXIV)
removing that component had social implications. It seems that Asticus was suggesting a more egalitarian model of exchange, one that moved beyond personal greed and market pressures toward an even economic playing field. The Edict was unable to enforce such a novel method and certainly could not undo centuries of commercial habits that were integrated with social status, but, like the emperors, Asticus’ words seem to want to control more than just prices.

Merchant Implications:

The report of Lactantius suggests that both Diocletian and Asticus misjudged what they could actually enforce, and that the Edict, whether mediated by governors or not, was received by merchants with violence and withdrawal from mainstream markets. In short, Lactantius’ narrative claims that the Edict led to riots, strikes, and a thriving black market. It is obvious that Lactantius had many reasons to exaggerate issues given Diocletian’s persecution of the Christians, and, while he is a contemporary of the Edict, there is no reason suppose that he was in a position to be an eyewitness to the effects of the Edict, since no copies of the Edict have been found near Nicomedia, where Lactantius was a teacher of rhetoric.  

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271 Bargaining was a standard feature of trade and exchange in the Roman world. It was customary for deals to be struck with some consideration not only of the quality of the goods, about also for the social relationships that connected the buyer and the seller. A deal might be made with the understanding of future business or favors, or a harder bargain might be struck in the face of social tension. There was, undoubtedly, some financial benefit to be had in developing a friendly relationship with a merchant from whom one regularly bought, and some hardship to trying to buy as a stranger in a new place. See the example of Lucius in the marketplace of Hypata: Apuleius, Met. 1.24. Herhard, “Barter through the Ages”; Humphrey, *Barter, Exchange, and Value*; Cellarius, “You Can Buy Almost Anything with Potatoes’ : An Examination of Barter during Economic Crisis in Bulgaria”; De Marchi and Morgan, *Higgling: Transactions and Their Markets in the History of Economics.*  

272 Christensen, *Lactantius the Historian,* 21ff.
Nevertheless, given the, at times, different intentions that emperors and officials had for the legislation, what was the actual effect of this legislation on merchants? Other examples of price fixing, listed above, give us some means to corroborate Lactantius’ perspective, and judge the feasibility of a strike and black-market activity in the Roman Empire. These are interrelated processes, and one does not negate the possibility of the other, but it is important to note the distinction as well as question the possibility. On the one hand, could merchants choose to hold onto their goods and hoard them until the market settled, and on the other, could merchants form or find secondary, illegal markets for their goods?

In the first case, we have the example of Commodus, and the claim that there was a direct relationship between fixed prices and a growing scarcity of goods.273 Hoarding is well-attested, and was certainly a problem for the state, but from a merchant perspective there were benefits and risks to hoarding. While holding on to goods could potentially secure a greater price, the most commonly hoarded material, according to our evidence, was grain, a product that, while reasonably hardy if stored correctly, was nevertheless under threat from moisture and heat, which caused spoiling.274 While water- and air-tight containers could be used to protect the goods, merchants were nevertheless dealing in perishables, so going on strike depends on the product as well as the merchant’s patience in outlasting the demands of the state.

273 SHA, *Vita Commodi*, 14.3

Yet, the example of the Arles-Beirut inscription also makes the possibility of a merchant strike appear plausible.\textsuperscript{275} If merchants could collectively bargain through the threat of striking, then there is no reason that those same techniques could not be applied to instances of price fixing. Even if the strike was not formally organized, or in some way sponsored by an association, as long as enough merchants withdrew their goods from the marketplace, or threatened to, there could be a corresponding demonstration by the people of the city: vocal dissent, unrest, and even violence or riots.

On the other hand, Julian says that the goods he sent to supply Antioch were sold on the black market, which suggests that merchants did not always feel the need to wait, and that, where there was demand, an outlet for goods developed.\textsuperscript{276} This was clearly a possible, if not necessarily typical, circumstance. Legislation appears from the reign of Valentinian shows that \textit{furtiva negotiatio} was still a threat to public revenue at that time:

\begin{quote}
\textit{Inter cetera, quibus perennitatis nostrae mansurum saeculis ordinamus imperium, hoc quoque et aerarii nostri commoda tueri posse, salubi suggestione probamus, quod maiestate nostrae sancimus oraculo, ne ulterius furtiva negotiatio et claris urbibus rurum faciat mercatorem, et obscuris ac reconditis locis in damnum publicae functionis latet turba mercantum, Floriane, frater amantisime.}\linebreak
\textit{Idcirco illustris auctoritas tua pragmatici nostri tenere comperto sciat, iuxta suggestionem suam omnes, qui declinatis urbibus per vicos portusque quamplures possesionesque diversas exercet negotiationis officium, pro aerarii nostri commoditate retinendos, ut secundum modum, quem iustitia suaserit, aurariam functionem cogantur agnoscre: gravis mulctae condemnatio proposita his, qui huius modi negotiatores in fiscale dispendium putaverint contuendos. Aequum enim est, eum, qui praecipitis nostris crediderit obviandum, facultatum suarum subire discrimen.}
\end{quote}

Among the other things by which we bring order to the empire of our eternity, which is destined to remain for centuries, we approve this regulation also, we deem that this (regulation) too, be a wholesome addition, is also able to protect the needs of our treasury, and we sanction it by the oracle the oracle of our majesty that no longer should secret business make the merchant rare in the

\textsuperscript{275} CIL III.14165, discussed more fully in chapter one.
\textsuperscript{276} Julian, \textit{Misopogon}, 369C.
outstanding cities and a crowd of traders hide in covert places to the detriment of public revenue, Florianus, dearest brother. Therefore, let your noble authority will learn the tenor of our decree and know, according to its suggestion that all who have been avoiding the cities, practicing the business of trade through the villages and many ports and various places, are to be held liable to the interests of our treasury, so that according to the measure which justice will persuade, they will be compelled to recognize the gold tax. The condemnation of a heavy fine is imposed for those who think such traders should be protected to the loss of the treasury. For it is just that he who believes that he may oppose our commands undergoes a risk to his own property.  

The language of the law cannot disguise the fact that there was a real concern that merchants were endangering the funds available to the state. Florianus, the count of the imperial largesses, seems to have reported to the emperors that merchants were avoiding the cities as a way of avoiding taxation and the emperors acted to demand the payment of the tax. The second half of the law describes a fine applicable to any who attempt to protect merchants from their tax duties, which suggests that there were individuals, patrons or peers, who may have attempted to protect merchants from the state. This kind of patronage requires further attention, but it is interesting that the emperors anticipate this as a likely problem and plan ahead for how to punish those who would intervene against its wishes.

However, one of the most revealing aspects of this law is its presentation of the interconnectivity between state finances and urban settlements. Valentinian is concerned that slow market activity in cities will lead to a reduction in tax income. He judges that

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277 CTh Novels of Valentinian 24 (Rome, April 25, 447 CE, to Florianus, count of the imperial largesses).
278 The literature on this issue, patrocinium (based on the Theodosian Code’s heading of De Patrocinis Vicorum), is treated in Grey, Constructing Communities in the Late Roman Countryside, 5–7, 206–12. It is probable that the activity of patrons and clients outlined in this law was not a reflection of a new, coherent system of patronage that defended clients from their tax obligations in late antiquity, though it has at times been read in that way, parallel, in many respects, to the literature on “tied professions,” discussed in chapter one. There is also a possibility in this law that the state has set up this kind of patronage as a kind of “straw man” to be condemned, standing in for a variety ways in which various kinds of people attempted to evade their tax obligations.
trading in villages and smaller ports represents a desire to evade state control. Beyond suggesting that the state lacked a firm hold on the countryside, which is in itself interesting, the law suggests that merchants who typically plied their trade in urban settings were perfectly able to relocate, if state intervention became too oppressive.

This seems to have been especially true of the later period, following Diocletian, when Constantine’s lustral tax was levied against merchants. However, the attestation of black-market activity at any point lends further plausibility to goods being pulled from the market under Diocletian. The black market was a viable option, though, as with hoarding, there were reasons for merchants to act with caution. The Edict punished buyers who made purchases above the established prices, as well as sellers, which would have acted as mutual insurance to black-market merchants that their buyer would not turn them over, but there were still risks attached to illegal sales, such as fines or confiscations. Furthermore, secret transactions that needed to take place outside of major markets may have involved travel that, for reasons of finance or transportation, may not have been feasible. Still, these sales took place, even if it meant relocating to the countryside, as demonstrated by the law of Valentinian above.279

Again, we are faced with the very real possibility of merchant agency having consequences for the state. Above we briefly mentioned that Julian took this into account, when he called together farmers, manufacturers, and shopkeepers.280 In this context, it seems that Julian wanted to appear to be including merchants in the dialogue

279 CTh Novels of Valentinian 24 (Rome, April 25, 447 CE, to Florianus, count of the imperial largesses), which specifies that merchants had left urban markets, *urbibus rarum faciat mercatorem*, possibly in favor of more rural sites.

regarding prices to prevent any of the common consequences. This is not to suggest that Julian was actually willing to listen to the needs of merchants, or that this episode was even of particular importance to his activities in Antioch, but he did recognize that the obedience, and the appearance of cooperation and involvement, however staged, of merchants would be useful in promulgating a successful price fixing law. Those he singled out, likely a subset of wealthier merchants, could not have refused to meet with the emperor, but it was also in their own interest to be seen as cooperative with efforts to alleviate high prices. All those who were involved and appeared to be working toward a solution managed to displace the blame for high prices onto others. In the end, Libanius’ account directs blame, not against those Julian met with, but rather against the members of the city council, who opposed the measure and hoarded their own goods.\textsuperscript{281} By participating in the dialogue, merchants managed to escape the kinds of accusations that Diocletian had levelled against them.

Like Julian, Diocletian anticipated these possibilities, though in different ways. The preface of the Edict concludes with the punishments to be inflicted on those who break the law. It is commonly noted that capital punishment is used against those selling at a price higher than those listed in the Edict, but less common is discussion of the following two provisions: that anyone “conspiring” with the seller to buy at a higher price than stipulated by the Edict, and anyone who withdraws goods from the market must also die.\textsuperscript{282} The former is a somewhat blurred reference to a black-market sale, while the latter criminalizes the withdrawal of goods from the market place, hoarding. In both cases, the

\textsuperscript{281} Ibid and, as noted by Erdkamp, “Grain Funds and Market Intervention in the Roman World,” 112ff., blame was commonly levelled against elites in instances of shortage in the Greek world, these men were expected to provide works of euergetism, gifts of grain or money, to support the city.

\textsuperscript{282} Edict, Preface, lines 138-145.
Edict moralizes about the severity of these crimes. On the one hand the buyer “conspires,” *conparandi cupiditate*, specifically with the greed, *avaritia*, of the merchant,\(^{283}\) while on the other hand, the one who goes on strike is even more guilty since he is inducing poverty, *inferentis paenuriam*, which is even worse than charging more than he ought to.\(^{284}\)

The Edict is explicit in forbidding these things and explicit about the penalties that awaited those who broke the law. Yet Lactantius seems to suggest that all the things that were feared by the Edict came to pass. The Edict says that the one who withdraws goods from the market is the cause of poverty, while Lactantius reports that merchants acted *metu*, from fear, by withholding goods.\(^{285}\) Lactantius reports bloodshed, too, which may be interpreted one of two ways: either that the state followed through on its threatened punishment, or the shortages led to conflicts in the marketplaces, or to riots. The latter seems most likely, since Lactantius would have played up any repressive violence from Diocletian, and it suggests that merchants were able to force matters to a breaking point through their disobedience.

Whether or not Lactantius’ details are exact, it is clear that he felt that there was a connection between the failure of the law and the emptying of the marketplaces, an action that can only be attributed to the conscious action of Roman merchants. They were the targets of this intervention, labelled by the state as greedy, self-interested monsters who threatened the peace of the Empire, and the evidence suggests that they were able to respond to these accusations. Furthermore, we can say that, in some cases at least, the

\(^{283}\) Edict, Preface, lines 139-140.
\(^{284}\) Edict, Preface, lines 144-145.
\(^{285}\) Edict, Preface, lines 144-145; Lactantius, *De Mortibus Persecutorum* 7.7.
state took into account that merchants were not without means to react to the intervention of the state, whether by expressly forbidding the actions they were likely to take or by including merchants in the conversation about price fixing.

**Conclusions:**

The discussion above has taken us seemingly a long way from the professed intention of the chapter: market intervention and how it affected merchants. Yet this extended case study has opened up possibilities. We may now say a great deal more about both intervention and merchant agency than we could before. The evidence presented above is clear that the state did intervene in the operation of the marketplace, at least in major urban centers. These interventions were undertaken for a variety of reasons, many of which were not directly economic. While hoarding and related riots were an economic, political, and social threat to the state, legislation dealing with prices rarely highlighted these dangers. Instead, Diocletian’s Edict on Maximum Prices, following the example of a small, but influential, corpus of legislation, stresses the need to protect the moral principles of the Empire. The legislation presents the emperor as the guardian of *mores* and the punisher of those who would harm the Roman people.

The position is remarkable in and of itself, but its framing in the Prices Edict immediately puts merchants at a disadvantage, which leads to a natural question of what the consequences of that rhetoric might be for those citizens. Based on our evidence, in many cases, this rhetoric was at least partially inaccessible, either through editorial choices or through lack of translation. These and subsequent choices about the publication and promulgation of interventions into the market were made by provincial and local magistrates, who acted on their own initiative about what the most effective and
important elements of these imperial documents were, even if it meant deviating from the
original and stated intentions.

These local decisions and local variations will continue to be stressed in the next
chapter, where we will see merchants directly engaging with these officials. However, in
this chapter, we have seen that, regardless of this mediation, merchants were not without
means to react to imperial intervention when it took place. They had a limited number of
choices, restricted in part by their own needs for profit and safety, but they exercised
what agency they had and retained the ability to affect real change. Even the emperor’s
voice, as shown in the case of Julian at Antioch, was only one among a group of others,
and while his is most clearly preserved, we are not without evidence to demonstrate that
other voices also had efficacy.
CHAPTER 3: Tolls and Customs

The previous chapter has pointed out the key role of provincial and regional officials as mediators between the imperial state and merchants. It has shown how imperial legislation was interpreted and reinterpreted to fit into regional contexts and best serve the population that was known better by those on the ground than it was by the distant figure of the emperor. It remains to examine these dynamics at the truly local level, between magistrates, appointed at the urban, or even market, level, and merchants who operated in the same, small communities. It is at this level that we begin to access the kinds of typical, “low commerce” that Horden and Purcell sought to illuminate, and at which we can begin to access the lives of specific individuals and how they adjusted to the challenges of working with, and even against, the agents of the Roman state.

In an effort to access local practices and simultaneously reflect experiences that were shared across more than a single community, this chapter will undertake a thorough examination of the most frequent point of contact between merchants and the state: the extraction of customs duties at border crossings both within and at the fringes of the empire. Physical meetings between merchants and local officials at customs houses and in market places are well attested and provide us with concrete examples of how the state engaged with individuals. Further, the evidence from such contexts demonstrates that the imperial government held little practical control over such proceedings. This chapter will show that these transactions were always local in character, that the forms of the interaction arose, often, from micro-regional habits, and that the exact circumstances were always dependent upon the personalities involved. Though the state produced legislation regarding tolls and set, in some cases, affiliated officials to preside over their
collection, the government remained largely separate from these practices, and was content to retain rhetorical control over matters while allowing the expense and hassle of collection to rest on others, often privately contracted collectors.

The details of customs duties will be examined in three sections. First, imperial legislation will be analyzed, particularly with respect to its points of consistency and inconsistency. This will ultimately reinforce the conclusion that, while scholarship has attempted to produce a full system of law from the evidence we have, it is more likely that the state acted in an ad hoc fashion with regard to customs, only potentially developing a more coherent “policy” when the laws were codified under Theodosius and Justinian. In the second section, local laws will be discussed, to demonstrate, even in the event that the 5th and 6th century codes did represent an intended system for the collection of tolls, that local practice in the 2nd through 4th centuries CE was diverse and accepted as such by the state. Finally, this chapter will present an essential point with regard to state-merchant, and generally state-citizen, interaction: the state was a personalized entity for those who interacted with it. Namely, the agents of the state constituted the state for most people, and, consequently, the actions of state agents, and the relationships those individuals had with their local communities, were of central importance to how the state was viewed and how its “economic policy” was applied.

Together these points show that the state, at its most common point of contact with merchants, had little direct control over the daily proceedings of toll collection, and

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286 For a detailed argument about the “system” of Roman law, see chapter one.
287 Recently argued in Fernández, Aristocrats and Statehood in Western Iberia, 300-600 C.E. also part of the interesting discussion of Lendon, Empire of Honour, 16–18. He argues that these local officials were treated as the enemy by their local communities, who often felt positively about the emperor and the larger state apparatus, thereby experiencing a state of cognitive dissonance between the state, on the one hand, and its agents, on the other.
had, accordingly, relinquished a substantial amount of power over its economy to local actors. The state continued to profit from tolls, but absented itself from the responsibilities of collection, allowing local laws, habits, and negotiations, rather than any centralized legislation, to organize and drive customs practices.

**Imperial Customs Law:**

The system of customs duties, as it has long been understood, was organized into two main categories: tolls at external borders and tolls at internal borders. These crossing points charged fees for goods in transit at different percentages, with the rates believed to have been between 12.5 and 25% for external border crossings and between 2 and 5% for internal border crossings.\(^{288}\) In all cases, for the majority of the period under consideration, the state left the assessment and collection, not only of taxes, but also of customs fees, in the hands of privately contracted agents, τελώναι or publicani,\(^{289}\) who bid on the amount that they would collect and signed contracts that lasted for at least three years at a time.\(^{290}\) They paid the state upfront and received permission to collect what they could, within the bounds of the law.\(^{291}\) This was an ancient system, and one which had been the source of complaint for a long time.\(^{292}\) Though attempts were made at

\(^{288}\) Middleton, “Early Medieval Port Customs, Tolls and Controls on Foreign Trade,” 316. based on De Laet, *Portorium*, 297–310. It is unclear whether these tariffs were levied on imports, exports, or both. As we will discuss, it is unclear where this “model” was ever put into practice.

\(^{289}\) Other names are known to have been used. A useful survey of those from Egypt can be found in Sijpesteijn, *Customs Duties in Graeco-Roman Egypt*, chap. 11. and generally the later chapters of de Laet, *Portorium*, are essential summaries of the process. It is worth noting that the term publicani was also used more generally for tax collectors (see: Badian, *Publicans and Sinners*), while in this context I refer only to those publicani that collected tolls and customs on goods in transit.

\(^{290}\) CTh IV.13.1=CJ IV.61.4 (July 1, 321), and Digest XXXII.30.1 (Labeo), XXXIX.4.9 (Paulus), and XLIX.14.3.6 (probably Callistratus), another common interval was a five-year contract.

\(^{291}\) Digest XXXIX.4.10.1 (Hermogianus) on tax farmers who failed to pay their bid to the state

\(^{292}\) See: Günther, *Vectigalia nervos esse rei publicae*. for the most recent treatment of this method of indirect taxation, and see Bang, *The Roman Bazaar*, chap. 4. on the complaints attendant on this predatory model.
various points to redress the injustice of the system, which encouraged officials to prey upon Roman merchants. The system seems to have endured, with only slight variation, from Republican times through to Late Antiquity.

In practice, the state seems to have expected that, with few exceptions, tolls would be paid by everyone crossing borders, and that travelers would accurately declare what they carried to the authorities stationed at the crossing. Goods that were improperly reported, or those that were not reported at all, were subject to confiscation, and the legislation that we have regarding these provisions strongly suggests that, barring a limited number of explicitly named exceptions, the system was meant to be generally applicable to all individuals and all kinds of goods.

Yet the legal codes of Theodosius and Justinian perhaps present too neat a picture of the process. Many of the laws that are quoted in these sources were not, and could not have been, in effect at the same time. The laws of Constantine were not proposed, let alone enforced, until generations after those of the Severan emperors had been issued or the opinions of the jurists had been given. Nevertheless, the codification of the texts telescopes this chronological disparity. Though these contexts are often preserved, even

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293 In that these tax farmers profited from the amount they were able to collect beyond the duty they owed to the state. They had the blessing of the government to enrich themselves, provided they did not overstep the letter of the law. See Bang, *The Roman Bazaar*, chap. 4, on predation in customs extraction.

294 Brunt, *Roman Imperial Themes*, 354–432, argues that *publicani* continued to be used throughout the Principate. His argument has convincingly refuted the position that tax farmers were eventually replaced all across the empire by Roman magistrates. Instead, there was a good deal of regional variation, with *publicani* working both alone and with officials, and at times with officials without *publicani*. See: Badian, *Publicans and Sinners*.

295 CTh VII.16.3=CJ XII.44.1 (Constantinople, September 18, 420 CE), which states ship captains are to keep their own thorough records, CTh XI.12.3=CJ IV.61.3 (undated and unprovenanced, Septimius Severus and Caracalla), which states that soldiers are exempt from the typical declarations, and P. Oxy. 1.36, discussed below, which states that a report must be made generally.

296 Digest XXXIX.4.16.3 (Marcianus, *On Informers*, 3rd century CE) mentions slaves “who have been in servitude for an entire year,” as one major exception.
in the edited texts, they are not highlighted often enough in the scholarship regarding these matters, leading to a tendency to view these narrowly circumscribed texts as a monolithic system. As discussed in the first chapter, to take these texts as a clear systematic vision of the law is to impose a very particular and problematic rationale.\textsuperscript{297}

At best, these laws can be read as a system generated in a particular 5\textsuperscript{th} or 6\textsuperscript{th} century moment, but we cannot impose that reading on the earlier period.

In fact, when we examine these sources closely, we can see that, both internal to the codifications and outside them, the supposed system was often little more than a collection of attempts to resolve individual problems with the customs process. This is most evident in the case of soldiers, who were, in theory, exempted from customs duties, which was a valuable perk to service to the empire. Two letters of the mid-4\textsuperscript{th} century preserved in both the Theodosian and Justinianic Codes demonstrate one problem that arose as part of an attempt to clarify this right. The emperors Valentinian and Valens offered an exception for soldiers on tolls in 365 CE:\textsuperscript{298} Though the substance of the law was not new, and a parallel rescript exists from the reign of Septimius Severus,\textsuperscript{299} their wording was not thoroughly clear. The text referred to “militaria” which, in the late empire, could refer equally to military personnel and those who held state positions more generally. The next year this loophole was explicitly closed. No exception was to be made for those in service of the state, \textit{nulla super hoc militarium personarum exceptione}

\textsuperscript{297} See chapter one, especially the discussion of Grey vs. Sirks.
\textsuperscript{298} CTh XI.12.3=CJ IV.61.6 (February 20, 365 CE, Milan), the text is amended and abbreviated in the Justinianic Code, to avoid the direct contradiction of the two edicts in side by side comparison. The Theodosian version reads: \textit{hoc si quando militibus nostris hisve, qui in palatio nostro degunt, praestamus adprobantibus se sacramentis militaribus adtineri, quod concessimus firmum sit adque robustum.}
\textsuperscript{299} CJ IV.61.3 (unprovenanced, Septimius Severus and Caracalla), see chapter one for the significance of such repetitions.
The passage of a year was a quick turnaround for the Roman authorities, which was fitting for a potential loss of funds on this scale.

The codifications place these texts side by side and urge us to imagine that the process of promulgation was seamless from one law to the next, or, if mistakes were somehow made, that they would be soon and thoroughly corrected. However, it must be stressed that this was not, even at the most generous reading, how these laws would have been experienced by the majority of the citizens of the empire. Legal experts would have sought access to copies of the Code after its promulgation, but few had the resources or the need to access the law in that form. For most, their knowledge of the law would be limited by their immediate needs, the laws that had the most direct bearing on their lives, and their means to access the law, whether that be through oral transmission or through reading and possibly copying down laws that were inscribed or temporarily posted in central places. The Codes brought order to these texts, but it is unlikely that they reflected the most common experience of the law.

In the case of the letters mentioned above, they were not even as easy to categorize as the above reading has made them seem. The first letter was sent to the imperial exchequer, the *comes sacrarum largitionum*, in Milan, as a statement about the importance of giving specific breaks to those in imperial service. The second, though it pairs nicely with the first and seems to correct its error, was sent to the count of the orient, the *comes orientis*, in Beirut. The subject matter seems to address the same

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300 CTh IV.13.6=CJ IV.61.7 (January 29, 366 CE, Berytus) *ex praestatione vectigalium nullius omnino nomine quicquam minutar, quin octavas solitie constitutas omne hominum genus, quod commerciis voluerit interesse, dependat, nulla super hoc militarium exceptione facienda*. Regarding the payment of impost, no reduction at all will be made in anyone’s name, but all types of men who wish to engage in commerce will pay the customary eighth, and no exception will be made for military persons in this case.
problem, but it is not clear if the second is necessarily responding to the first, which the juxtaposition of the texts in the Justinianic Code suggests, or if this was meant to represent two separate policies that were dictated by geography, the scale of the transaction, or some other factor. The ancient editors of the Codes have removed much of the context that would have explained the specific circumstances that caused the letters to be written, and the format of the Code disguises the diversity of problems and responses that evidently faced emperors within the same reign.

The main drive behind the legislation was that individual problems were being raised and then responded to, and the state had a range of possible answers. In some cases, the reply was simply that existing laws were sufficient to address particular concerns, as with the soldier Ingenuus, who was effectively told to calm himself, since his goods could not be confiscated.\(^\text{301}\) However, it is not clear, especially given the letters discussed above, whether this was a legal right that he should have understood, or if this was a particular benefaction being offered in a special case either to him personally, or to soldiers generally, but within a timeframe that was limited in some way not appearing in this text. Septimius Severus comments that he and his son Caracalla were in the habit of looking after soldiers, *omnibus militibus nostris prospexisimus*, so that they would not have their property confiscated for failing to report it, *ne ob omissas professiones poena commissi tenerentur*, but Ingenuus was apparently not aware of this fact, or, in all likelihood, he would not have requested a rescript on the matter, suggesting that others may have been equally ignorant of the law, or of this particular emperor’s opinion on the matter.

\(^{301}\) CJ IV.61.3 (unprovenanced, possibly Septimius Severus and Caracalla).
While there is little reason to doubt that individuals were frequently in ignorance of the law, it is best to view the situation in the latter light, with much depending on the position of different emperors, and only interpreted, after the fact, by juristic writers and the editors of the codifications. These opinions shifted from reign to reign, and, while they often rested upon the decisions of earlier emperors, they were subject to change at the discretion of the current ruler, and in light of the circumstances that had prompted the issuance of the rescript or edict. Thus, whatever “policy” may be identified is likely to be dependent upon an individual emperor and was subject to change when a new ruler acceded. Nevertheless, it is clear that the state did develop some positions over time regarding customs that it issued under various emperors in an attempt to influence practice or at least to offer a resource to which its enforcers could appeal in instances of conflict. The existence of this central, idealized law on the subject contributed to the process of customs collection, though we lack evidence that these laws were ever enforced exactly.

Direct imperial intervention is relatively difficult to spot in the Codes, where letters and rescripts seem to have been primarily offered in response to requests for judgment. Yet we do have sources of law that come to us without the mediation of the editorial process. Intervention and responses to it have already been treated in the previous chapter, but, though this chapter addresses local action more fully than imperial, it must be stated that there were instances where the emperor did act to impose law over the customs process. Hadrian is a particularly good example in this case. Though he reigns early in our period, the testimony of the Historia Augusta seems to suggest that he was a particularly avid proponent of administering justice, especially when it came to
prosecuting the misdemeanors of his officials.\textsuperscript{302} Even if Hadrian was more willing to intervene than his peers, we do not have evidence of him trying to overhaul large parts of the economic system during his travels. Rather, it seems that his actions with regard to customs, in particular, were directed very locally.

A law preserved from the Piraeus, probably originating from a letter from Hadrian, though the first part of the inscription is lost, shows him intervening in a local toll from Attica, providing fishermen at Eleusis with a special exemption.

\begin{verbatim}
[...]Λ[.]ει μετρη[ς...
δὲ τὴν διοβελίαν [...] α μηδὲ [...τοῖς
δὲ ἔν Ἑλευσείνι ἄλευσιν ἀτέλειαν ἰχθύ[ῶν εἰναι ὅταν ἐν Ἑλευ-
σείν ἐν τῇ ἄγορα πιπράσκωσιν, ὡς μὲν ἦ [εὐθηνίᾳ, τὸ δὲ διὰ τὰ]
εἰςφαγόγια ὄφελος εἰς μέγα τι ἀπαντήσῃ· τ[οὺς δὲ κατῆλους]
καὶ τοὺς παλινκαπηλεύοντας πεπαῦσθαι τῆς αἰσχορκερδίας]
βούλομαι ἢ ἐνδείξῃ αὐτὸν γείνεσθαι πρ[ός τὸν κήρυκα τῆς ἔξ]
Α[.]ρείου πάγου βουλῆς· τὸν δὲ εἰςάγειν εἰς το[ὺς Ἀ]ρεοπαγεῖς, τοὺς δὲ
τειμᾶν ὃ τι χρῆ παθεῖν ἢ ἀποτεῖσαι· πιπρασκε[τὼν] ὁτα ἐν πάντα ἢ αὐτοὶ ὦ
κομίζοντες ἢ ὦ πρῶτοι παρ’ αὐτῶν ὀνοῦ[μεν]· τὸ δὲ καὶ τρίτους ὦ
νητᾶς γεινομένους τὸν αὐτῶν ὀνύοι με[τά]πιπράσκειν ἐπιτείνει
τὰς τειμάς. Ταύτην τὴν ἐπιστολὴν στήλῃ ἐ[ν] γράψαντες ἐν Πειραι[Escorti
στήσατε πρὸ τὸν Δείγματος· τὸν δὲ ἐπιστολήν τοῦ Δείγματος vacat Εὔτυχείτε
vacat
Ἐπιμελητεύοντος τῆς πόλεως Στ’ Ἡρωδιανὸν Ἡρωδιαν[οῦ] Κολλυτέως
πολυμερὲς...
πολυμερὲς...
...the two-obol tax...
...but for the fisherman in Eleusis, whenever they sell in the market in Eleusis, fish are to be tax-free, so that there may be abundance and the aid through the import fees may amount to a lot; I wish the sellers and the retail sellers to have ceased from their sordid profiteering or else an indictment be brought against them in front of the herald of the Areopagus. I want him to present the matters to the court of the Areopagites and they will assess what must be suffered or paid. Let the suppliers themselves or the first vendors who buy from them make all the sales, for when those third purchasers of the same goods sell them again it raises the prices. Engrave this letter on a stele and set it up in the Piraeus in front of the Deigma. Be well.

\textsuperscript{302} SHA, \textit{Vita Hadriani}, 13.10.
The Epimelete of the city, Titus Julius Herodian of Kollytos. ³⁰³

The law has two main sections, and the second half, which is preserved more fully, has drawn the majority of scholarly attention.³⁰⁴ The fragmentary letter first grants the exemption: “but for the fisherman in Eleusis, whenever they sell in the market in Eleusis, fish are to be tax-free,” The second half continues that the emperor is placing a ban on middlemen, who are deemed superfluous to trade, serving only to increase the cost of goods through intermediate traders making a profit. While this portion of the text is interesting in its attack on mid-level traders, a trope we have already seen at work in the Edict of Diocletian and will address again in chapter five, it is the first half that most concerns us here.

The two-obol tax mentioned in the second line is a toll taken by Athens on imported goods. The toll differs from that described by the Codes, first, in that it was municipal toll, collected specifically by Athens for use by the city, and second, in that it was a flat fee, rather than a percentage. The letter grants an exemption only for a small portion of imports, though the preservation of this section is particularly poor. Presumably its provisions applied only to fish in an attempt to keep supplies up in Eleusis, while not unduly restricting the profits Athens would have received from taxation. Oliver hypothesizes that this law was, in part, specifically designed to protect the supplies of fish at Eleusis during the festival of the mysteries,³⁰⁵ which is consistent

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³⁰³ IG II-III 1103 (sometimes written as IG II³ 1103), text of Oliver, *Greek Constitutions of Early Roman Emperors from Inscriptions and Papyri*. no. 77.
³⁰⁵ Oliver, *Greek Constitutions of Early Roman Emperors from Inscriptions and Papyri*, 195. “The epistle both encouraged fishermen to take their fish directly to Eleusis at the time of the festival and warned off the wholesale merchants from trying to get the business as middlemen. Otherwise, the wholesale merchants
with Hadrian’s involvement in the cult and favor toward Hellenic cultural and religious activities more generally.

The inscription focuses on a single, local market, not on grand, sweeping gestures toward all markets, all fishermen, or even all middlemen traders, though Hadrian’s position is strongest toward the latter. Preserved inscriptions show that Hadrian was involved in several similar local taxation issues, though not always tolls and customs, at Delphi, Stratonicea-Hadrianopolis, and Pergamum. None of the inscriptions deal with the same problem. Hadrian does not respond with any kind of discernable “policy,” and none of the laws give any evidence of having any applicability beyond the limits of the city in question.

The second half of the Eleusis inscription, however, has been read in the past as more generally applicable. This is partly due to some of its subject material being echoed in a quotation of Callistratus in the Digest. The Eleusis letter concludes that fish are to be sold to no more than one person before they are sold to a customer in order to cut out the profits of middlemen. The lines have been interpreted to mean that Hadrian had a firm anti-middleman “policy,” vested in the belief that such figures were unproductive profiteers who took advantage of the consumer, and that this was a position held more generally in the ancient world.

There is some force to such an interpretation, but it is largely drawn from the positions of elites looking down, and into, the world of trade and exchange. Merchants are viewed as preying on producers, forcing them to bear extra costs so that wholesalers who were their usual buyers may have worried the fishermen into letting them have all the supplies and so a chance to profiteer.”

306 Boatwright, Hadrian and the Cities of the Roman Empire, 90–91.
and retailers could earn greater profits. Perhaps naively, it is believed that producers, farmers or men like the fishermen of Eleusis, would have done better to manage all the steps of their business, from production through to sale. This seems to have been Hadrian’s interpretation of matters, since he has rhetorically claimed to be the protector of customers, defending them from profiteering. Yet Hadrian’s letter lacks any understanding of the work done by middlemen in bearing transaction costs and allowing producers to devote their attention to their harvests. For fishermen, time away from the water attempting to sell their products was time that they were not catching more fish. Furthermore, fishermen in many circumstances would have been limited in the markets that they could reach as they attempted to maximize their profit, meaning that they might only be able to sell in small, local markets, where prices would be lower. A middleman, who bought in bulk, might be able to pay a fisherman more since he could bring more fish a greater distance and could supply retailers who would in turn pay him more.

Callistratus, later in the reign of Septimius Severus, judged that the law should adapt to this reality. In the passage preserved in Digest 50.11.2, he notes that fishermen selling their own wares led to interruptions in supply for the consumer, since time was lost in travel. While there is no way of linking this text with that of Hadrian’s letter, it does demonstrate that there were some similar laws that were in force at the time, but the efficacy of which was up for debate. It is not central to this argument whether any emperor managed to enforce a positive change to the economy; what is interesting is that

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307 For example, Morley, “The Early Roman Empire: Distribution,” 584. “The landowning elite were more concerned – obsessed, even – with making a regular profit while minimizing their costs, and so tended to pass on the costs and risks of transport and marketing to merchants. The latter held the inferior position in such exchanges but could force peasant farmers to assume the costs of bringing their produce to market.”


we do not see, even in the opinion of Callistratus, that the state had managed to enforce a sweeping law about local tolls, the role of middlemen, or even the trading habits of fishermen. Callistratus’ opinion is marginally broader in its scope than the law of Hadrian, but it is also not a law. The actual legislation remains focused on the narrow confines of particular problems in particular places. It is an admission of the state’s limited interest and force in the realm of the economy, which was constituted and regulated on the local scale, regardless of the state’s rhetorical position of power.

Furthermore, that rhetorical power is open to question. While the state seems to have thoroughly accommodated local variation, both local laws and the codifications show that there were frequent instances where individuals took advantage of tolls and customs to enrich themselves rather than the state. Whether actively, through fraudulent assessment or reporting of the value of cargo, the intervention of patrons, or smuggling, or more passively, through interpersonal exceptions or misunderstandings about the legal requirements, both toll collectors and merchants deviated from strict adherence to both local and imperial law. The Roman state, particularly by entrusting the processes of toll collection to private agents, avoided responsibility for the enforcement of their own laws. Instead, the state periodically condemned those who acted against the law, reiterating the positions of the laws that were already in force, and waited to respond to particularly flagrant misdeeds.

While an emperor like Hadrian may have gained particular notoriety for seeking out malefactors and administering justice, there was generally little action taken on the part of the state to punish merchants who managed to evade tolls or collectors who preyed upon travelers. The state commonly relied on reporting by victims of abuse, rather
than undertaking a proactive hunt for those who failed to act fairly or intentionally manipulated the system to their own benefit. Even in the letter mentioned above, merchants were able to act largely unfettered, and it was left in the hands of those they cheated to bring them before the herald of the Areopagus.\textsuperscript{310} The reports are relatively common, coming from both merchants and officials, but it is also worth bearing in mind that many who were involved in the customs process, like Ingenuus, mentioned above, may have had inexact knowledge of what their rights and responsibilities were, or understood them only in the local sense: what they had to do when crossing at a particular place, rather than understanding what imperial law, in general, expected of them.

Furthermore, a soldier like Ingenuus, or other kinds of traveler, may have passed through a variety of places where diverging local practice would have made it difficult to anticipate what would be asked of him. While a person living in one place would, at least eventually, become familiar with local tolls and customs, the traveler could not know what local law might be when he ventured further abroad. The example of the Athenian two-obol tax is illustrative: as a local tax it was probably not well known elsewhere, or at least only within a certain radius of the city. Hadrian evidently believed that it would be common knowledge at Eleusis and in the Piraeus, but we do not find references to the law outside of Attica. Despite the size of Athens, the law was local and probably was not known or anticipated by business travelers, who, even if they knew their rights under imperial law, may not have known that there were additional fees or taxes in the place they were visiting.

\textsuperscript{310} IG II-III 1103, Line 7
The report of a guard at a customs station, named Pabous, who worked in Egypt, is particularly interesting in this light. Pabous played the whistleblower and reported his superiors to the *epistrategos*, a high level provincial administrator, on the grounds that these superiors had allied among themselves to defraud the state.

While typically emended as *προσετέχνη* to the most powerful epistrategos Julius Petronianus, from Pabous, son of Stotoetis, son of Panomieus, priest from the village of Soknopaioi Nesos in the Heraclides division of the Arsinoite nome, Arab archer of the customs house of that same Soknopaioi Nesos. …(not) speaking against but because I saw the fiscus being defrauded by Polydeuces, who, against the prohibition, has now for four years been in charge of the aforementioned customs house, and by Harpagathes, son of Ero…, I gave the overseers of the nomarchy a copy of Harpagathes’ signed records which I had of goods entering and exiting the customs house, requesting their close examination of them to determine whether the taxes on them had been handed over to the treasury account. Polydeuces, having discovered this, attacked me with other people, whose names I do not know, and tormented me with many blows, and, not satisfied with me, set Heracles on me, a guard of the domains, and both, lifting me by force, took me to the counting house of the overseer of the domains and made me... being whipped to give up the record of

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311 Technically an “arab archer,” a position that was neither filled by Arabs nor involved archery. For details, see Siemieznik, *Customs Duties in Graeco-Roman Egypt*, chap. 11. also, Bauschatz, *Law and Enforcement in Ptolemaic Egypt*.  
312 P.Amh.2.77 (139 CE), see Mitthof, “Betrügerische Zollbeamte Und Der Procurator Usiacus Bemerkungen Zu P.Amh. II 77.” for a recent examination of the text.  
313 While typically emended as *προσετεχνη* to the text requires a plural to agree with the subject, τὰ τέλη.
Harpagathes, which became known to the overseers of the nomarchy and then to the beneficarii of the district.

Therefore, I am compelled to hand over this and if it seems fitting to you to send for Polydeuces and Harpagathes, the principle source and administrator of evil, so that I can produce the proof against them and may obtain your favor. Be well.

The copy of the record of Harpagathes is the following:

Second year of Antonius Caesar, the emperor Epiph. 7.\(^{314}\)

In this document, Pabous is evidently reporting the misconduct of his superiors at the customs house, a place where he himself works as an Arab archer, an official who likely served as an attendant to some other magistrate. Pabous reports how the man in charge of the tolls, Polydeuces, and another official, Harpagathes, were defrauding the state, presumably by enriching themselves.\(^{315}\) Pabous’ case was probably not untypical, in that we see complaints of fraud at customs houses raised by others, but we lack other instances of an official informing against his superiors. Thus Pabous’ case is worthy of further examination: why would one official report on another?

Pabous says that he comes forward, “(not) speaking against,” which is where we must begin. He assures his reader that this is not a case of him playing the tattle-tale, but

\(^{314}\) Text of Mitthof, “Betrügerische Zollbeamte Und Der Procurator Usiacus Bemerkungen Zu P.Amh. II 77.”

\(^{315}\) See Mitthof. regarding the details of the jurisdiction at stake in Pabous’ letter.
rather that is was a natural action for him to take since he saw that the treasury was being defrauded. He can identify the culprit and is able to produce proof of this accusation in the form of signed returns. He had attempted to go to the local nome authorities but was violently prevented from being heard, so he now appeals to the epistrategos at the supra-nome level.

This appears to be a perfectly rational narrative, and Pabous is the hero of a story that will, with luck, soon come to a satisfactory conclusion for the state and for his own, personal complaints. Though Pabous has laid out a good case, it is clear his version of events relates only one side of the story. In the first instance, it is clear that there is something definitely off about the customs house of Soknopaiou Nesos. Its chief magistrate, Polydeuces, had been serving for far longer than he should, he had assistants who are doctoring the books, and he employed, or could call upon at short notice, a group of individuals who could be called upon to seize and scourge his enemies.

These are all worrying signs, but it is the defrauding of the treasury that is at the center of Pabous’ account. He presents himself as concerned for the wellbeing of the treasury and as almost incensed at the daring of those who would steal from the state. This is a common feature of such complaints. Both Grey and Bryen have noted that petitioners often prefer to use the language of taxation, of patronage, and of status, generally, to present their point of view.\textsuperscript{316} The purpose of such tactics is clear. It was a means of inspiring interest on the part of the state in a matter of personal concern.\textsuperscript{317} The epistrategos had no reason to care about the violence done to Pabous but was bound by the laws of the state to prevent its occurrence.

\textsuperscript{316} Grey, \textit{Constructing Communities in the Late Roman Countryside}, chap. 6; Bryen, \textit{Violence in Roman Egypt}, 99–100.
\textsuperscript{317} Just as we have seen in the case of the navicularii in chapter one.
his office to protect the treasury. If Pabous wanted the attack against him addressed, it was in his best interest to connect it to a matter that was of interest to the epistrategos.318

Forty-six years later, he used a similar strategy in an appeal to the beneficarius of Soknopaiou Nesos.319 Again, Pabous reports having been attacked, this time by an elder in the community and “his men,” probably family members, but also potentially clients or friends, for the sake of two of his relatives who appear to have been wanted men. Pabous concludes his complaint, not with a demand for punishment or with any further elaboration on his wounds or property damage, but by accusing his enemy, Sempronios, with extortion, and particularly extortion from new recruits in the army. Though the events are purely of local conflict, Pabous appeals through what he believes will be of greatest concern to the state, rather than through the infringement of his “rights.”320

However, the violence done to Pabous is interesting. While, in general, violence never seems to have been very far from the lives of individuals in Egypt in this period, what we know to be true of violence from this time does seem to suggest that Pabous may be stretching matters somewhat, or at least inflecting his experience through a particular lens. Most who complain of violence in this period state, when they can, what remains of the physical evidence of their attack: scars, broken bones, bruises. Pabous does not report any of these things, despite the fact that he claims to have been beaten and then whipped. This record instead focuses on the existence, not so much of a witness, but of a rumor about his attack that the beneficarius may have heard. He knows that the

318 Like we have already seen in the appeal of the navicularii of Arles in chapter one.
319 P. Lond. II 342. It is likely that these are the same man, Pabous son of Stotoetis from Soknopaiou Nesos, though he would have been elderly at the time of the second petition is 185 CE or quite young in 139 CE.
320 Bryen, Violence in Roman Egypt, 13–14.
321 Bryen, 30–38. acknowledges the stereotype, he makes some comments on the reality at 48—50.
community knows about the attack, and relies on it to corroborate his story, even if his account hints that the violence may not have been as great as he claims.322

Whatever the actual injury of this event, the choice to lean on evidence falls in line with Pabous’ general preference to appeal to authority. In the first petition, he begins by presenting his own status, his role as a priest and job at the customs house, as well as his lineage which seems to ground him in this community as well as offer him identification.323 He then demonstrates that his own local authorities are corrupt, that he cannot reach the more regional powers, and that, now, he is addressing what, for him, seems to be the next logical step up the ladder of authority. He emphasizes his physical evidence, the ledger of the customs house, which is signed, and offers documentary proof of the whole business. It is this that he uses as his culminating argument on the issue.

However, under all of this is a current of what is clearly a local dispute. Though he does not detail his relationship with his superiors, it is clear that Pabous knows these people. He knows Polydeuces, and he knows Sempronios, and he knows this little town in the Fayyum well enough to identify its elders, and to know what bylaws of its customs house are being broken. He expects that the grapevine will have reported the gossip of this conflict and knows the name of the guard called upon to whip him. In both complaints, we have every reason to suppose that the petition served as merely a single boiling-over point of a conflict that had extended on for some time and had been dealt with in different ways before the state was involved. Pabous’ first real statement of intent explains this, he wishes to be clear that he is not just tattling, which suggests that just that

322 For more on gossip and the institutional force of rumors in the Roman world, see chapter six.
323 P.Amh.2.77, lines 2-5.
dynamic was at play. Pabous was the first to report the matter to the higher-ups, which may even mean that he was aware of a counter claim that could be made against him, prompting him to strike first.

Within and around these conflicts are numerous individuals who were implicated in some way or another, but whose names do not occur in the papyri. The events that Pabous relates cannot have been very secret. Polydeuces’ extended office-holding, at least, must have been general knowledge to those aware of the rules of the customs house and those who may have desired the job. Pabous’ account suggests that there was some effort exerted to prevent the record books of the customs house from reaching any who were not actively involved in the collusion. Furthermore, it is likely, if Polydeuces and Harpagathes were skimming something off the top, that they were also unjustly valuing the goods that were passing through in order to earn more money, more quickly.

If this were the case, local traders passing through the town were likely aware, to some extent, of the circumstances at Soknopaiou Nesos. It is not necessary that they know that they were being cheated in some way, but merely that they knew that, in this particular place, there were specific customs house procedures. Indeed, it is plausible, as we will discuss further below, that each customs house had its own rules, its own differences, whether born of corruption, or of local practice, or even the size of the customs house. A merchant may have been expected to navigate these variations, leaning on his or her own experience. These institutional differences might even be

324 Or, potentially, on the generosity of another who was willing to share their experience, as in the *Periplus Maris Erythraei* (see: Casson, *The Periplus Maris Erythraei*. for the text and commentary), the record of an anonymous, probably 1st century CE, Egyptian merchant that lists trading routes, as well as details about the people, goods, and legal situation in spots along the route. The text preserves the great variety of different markets and routes and concludes with reports that the author had heard about places that he had
complicated by the hyper-local consequences of interpersonal tensions. Merchants could plausibly do some things to mediate the effects of such tensions by forming their own relationships with customs officers, but also could get caught up in local conflicts through the same mechanisms.

However, what is truly essential from the Pabous example is that, though these were officials going about the work of the state, they were inextricably tied into their local communities, which were full of diverse networks of familial ties, friendships, enemies, and social relations of authority, obligation, and neutrality that inflected every action taken. They might be agents of the state, but, in the terms of NIE, their enforcement of formal institutions was only possible in so far as those institutions conformed to the informal institutions of status, familial ties, and a host of other considerations that Pabous, even if he only explicitly mentions the treasury and its needs, was nevertheless extremely concerned with.

**Local Customs Law:**

The previous section has begun to demonstrate that, in the earlier period at least, the law regarding customs was much more improvised and contingent upon local circumstances. It was developed primarily in response to reported or perceived problems. In this section, imperial law will be temporarily put to the side in favor of customs laws that were established locally in the 2nd to 4th centuries CE. These texts can be connected to specific archaeological contexts and present an opportunity to look at the law that might have been in force in locations populated by other Pabouses and the merchants not personally visited. This aligns well with the oral culture that surrounded merchant activity that is discussed in chapter six.
who had to work with them. Two local laws will be taken as case studies. They have notable differences, not only from the system that seems to have been imagined by imperial law, but also from each other.

The first law is an early third century inscription from Zarai, a customs house between the provinces of Mauretania Sitifensis and Numidia.\textsuperscript{325} The law introduces itself as a \textit{Lex portus post discessum coh(ortis) instituta}, and proceeds to list the goods subject to the toll under subsequent headings, each as \textit{leges}, beginning with small animals, \textit{lex capitularis},\textsuperscript{326} then listing garments, \textit{lex vestis peregrinae}\textsuperscript{327}, hides, and other goods and exceptions, \textit{lex portus m(a)xim(a): pequaria: jument(a) immunia/ceteris rebus sicut ad capur}\textsuperscript{328}, along with the amounts due in the toll for each item listed. The list is fairly formulaic, but a representative section has the following form:

\begin{verbatim}
lex capitularis mancipia sin
gula |(denarii) I s equ(u)m equam |(denarii) I s
mulum mulam |(denarii) I s asinum
bovem s porcum |(sestertius) porcellu(m) |(dupondius)
ovem caprum |(sertertius) edum agnu(m) |(dupondius)
pecora in nundinium immunia...
\end{verbatim}

The law of the poll tax
Slaves, each: 1.5 denarii
Horse, male or female: 1.5 denarii
Mule, male or female: 1.5 denarii
Donkey, ox: 1 quinarius
Pig: 1 sestertius
Piglet: 1 dupondius

\textsuperscript{325} CIL VIII 4508 (202 CE)
\textsuperscript{326} line 6
\textsuperscript{327} line 16
\textsuperscript{328} line 31
\textsuperscript{329} The text of Yves Lassard, The Roman Law Library (https://droitromain.univ-grenoble-alpes.fr/), emended. Lassard supplies “semis” for the denomination “s” throughout. A semis is half an As, thus untenable as the toll for a donkey in this schema. Horden and Purcell, \textit{The Corrupting Sea}, 355. following Lewis and Reinhold, \textit{Roman Civilization}, 146–47. supply quinarius in their translation. This was a small silver coin, and a much more likely fee. It also means that fees are 1.5 denarii, which is a much more logical amount than 1 denarius and half an As.
Sheep, goat: 1 sesterius
Kid, lamb: 1 dupondius
Animals for sale at the market: free of charge.

The inscription is particularly rich. Initially, the most striking feature, in light of the system that the records of imperial law have sketched out, is that Zarai lists the amounts due for customs in flat fees. There is no evidence here of a percentage tax, like that proposed in the Justinianic Code, nor does it supply any possible flexibility based on what a collector judged to be the value of the cargo. A sick animal is charged the same as a healthy one, and better-quality goods are to be tolled at the same rate as poor quality, though distinctions are made based on material. This lack of specificity would make inspections of goods a relatively quick and cursory process. The law trails off into a lacuna, but 28 items are listed with amounts ranging from 1.5 *denarii* to a *dupondius*. For palms, for example, a hundred pounds are listed at a *quinarius*, a silver coin worth half a denarius or equivalent to two *sesterces*. Animals and slaves are counted by head, while goods are counted in recognizable, Roman measures: *modii* for volume, pounds for weight.\(^{330}\)

Despite its differences from imperial law, the inscription is an official, legal document, just a local one. Its public display represents a commitment to transparency in the customs process, which would reduce conflict and abuse as well as, at least potentially, increase the speed of transactions. The text was probably a codification of preexisting, habitual practice in the region, as evidenced by the *immunitas* granted to

\(^{330}\) Andrew Riggsby has argued that the lack of imposed, standard measures it itself a sign of Roman indifference to the details of customs collection (AIA/SCS 2016). Though this law uses Roman measures, many others do not, and Digest 18.1.71 preserves a rescript of Antoninus and Verus that says that, in cases of sale at least, local measures were perfectly acceptable, provided both parties agreed to their use. Standard measures were under the regulation of market officials, aediles or *agoranomoi*, through much of the Roman world, though, in this case, it is likely that the military weights and measures were those that were used since the cohort is listed as the source of the law.
herds being moved on market days, *pecora in nundinium immunia*,331 and by the unusual emphasis on hides, which are described by a number of distinct grades of quality.332 Vanacker has persuasively argued that, in part, this text may have been aimed to clarify tolls for nomadic pastoralists who had to cross through Zarai.333 These pastoralists were by no means new to the region in Roman times, so it can be inferred that, prior to the inscription of this law, there had been some habitual practice to accommodate them at the customs house. The inscription need not be an exact reflection of that previous practice, but it does seem to include the kind of immunities that would be born out of habit, such as the exception based on the regular market days. Public codification meant that these immunities could not be taken away, and, as a result, represents a local habit becoming a legal right.

The text is in a state of tension between its position within the imperial system and local practices. The preface to the text states that it is the local cohort that is responsible for the law. This, by itself, is a remarkable situation, and one that is not clearly paralleled elsewhere.334 These collectors were not private tax farmers, the typical agents of the state, which makes their willingness to commit to a flat fee slightly more comprehensible, since they were not incentivized to collect more than what was due to their superiors. These soldiers were paid regardless of how much they collected in tolls. However, though these soldiers were paid to be agents of the state, it is likely that the

331 line 15
332 lines 23-28
334 Cherry, *Frontier and Society in Roman North Africa*, 55. makes reference to Judaea, where cohort stations do seem to have been connected to the road system, but there is no evidence even there to say that the army had power over customs law or collection. Only a small amount of evidence suggests that the army may have protected caravans trading out of Palmyra, but even in that case the guards are generally privately contracted (for further details on these guards, see Young, *Rome’s Eastern Trade.*)
soldiers here, whether legionaries or an auxiliary cohort,\textsuperscript{335} were enlisted from a local population. Certainly, they were stationed among a population that they interacted with closely, as is paralleled in the experiences of the soldiers at Vindolanda, for whom we have much better records.\textsuperscript{336}

Yet what they were doing with regard to the law is less than transparent. Clearly there was some leeway permitted for local practices, but it is impossible to tell from the text what exactly their relationship to those practices was. They may have simply adopted an existing set of norms, turning them into written law and acting as the guarantor of their continuation, effectively supporting an infrastructure that was already in place. The law may have adapted those earlier practices, fitting them more firmly in line with a “Roman” model to which we no longer have access. Alternately, they may have invented a new system wholesale, based on choices that seemed to accommodate local needs. In either case, the law is probably a claim to authority by the cohort, who now stood behind the law. Whatever the existing systems of power had been before the law, the cohort now asserted its control. The population, no doubt, had to adjust to that new reality.

However, the level of accommodation of local needs is striking. The cohort, as the armed power in the region, had little incentive to take local needs into account since they could easily have used force to incentivize obedience (or disincentivize disobedience). Instead, they seem to have adopted a more cooperative stance, and based their law on at least some knowledge of local circumstances and practices. Again, it seems likely that

\textsuperscript{335} We cannot know whether this cohort was an auxiliary or not. A funerary inscription from Zarai, CIL VIII 4524, records the death of a veteran of the legion III Augusta, which may reflect a legionary cohort, rather than an auxiliary.

\textsuperscript{336} Birley, \textit{Garrison Life at Vindolanda}. 
these soldiers were drawn from the local population or were at least able to work reasonably closely with it. Yet, this is not a feature that is unique to North Africa. Generally, there seems to have been an appreciation for diversity, and we see evidence of local practices appearing in local law across the Mediterranean. Speaking for Egypt, Bryen has sketched out the concept of legal pluralism as a central feature of Roman legal administration. This model seems to fit well with what we see at Zarai and its unique customs house. The law was different here, but the difference also derives from the unique circumstances of social and interpersonal interactions, as seen at Soknopaiou Nesos above.

Imperial appreciation of local variation makes some sense. It is a reflection of a Roman government that managed, rather artfully, to have it both ways: they were able to financially benefit from commerce, but never actually had to control it. The state is present in the Zarai document, passively providing an infrastructure that extends from the name of the year to the currency of payment, and perhaps exerting some pressure that there should be law, rather than merely custom.

However, practically, there is minimal, if any, evidence of the imposition of state authority on the law’s contents. Instead the state seems to be operating alongside this local practice, either from tacit approval or from ignorance of the matter. Yet, in either case, these local laws were far better equipped to judge the needs of a region or locality than the distant arbiters of law in Rome, Constantinople, or even a provincial capital.

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337 Bryen, *Violence in Roman Egypt*, 141–42; Bryen, “Law in Many Pieces”; Dohrmann, “Law and Imperial Idioms”; also Cotton, “The Guardianship of Jesus Son of Babatha: Roman and Local Law in the Province of Arabia.”

338 As argued in Merola, *Autonomia Locale, Governo Imperiale*. 
An inscription such as this one treads a fine line between being imperial and being local, managing to have it both ways.

Though it is unknowable, there is a possibility that the army also was acting to retain peace in the region. The codification of law is one means of assuring justice and promoting swift, due process. There may have been a specific problem that sparked the creation of this law, but its variance from imperial law is unlikely to be a reflection of some unique local turmoil. Variation from imperial law is, in actuality, fairly typical. Though no two of the extent local customs laws seems to be identical, each is similar in that it provides for local needs before it concerns itself with agreeing with the details of imperial law.

This is evident in a second customs law, which comes in the form of a fragment of papyrus from Oxyrhynchus. The document consists of three columns and begins in medias res with a list of goods and tolls. As with the law from Zarai, the structure of tolls deviates from the percentages typically assumed to be the imperial fee system for the internal movement of goods. The majority of the goods are listed as owing a specified duty per talent, which does not always calculate to a clear percentage of value, and others are listed at a rate per measurement of weight or volume, this time in local Greco-Egyptian units, or even by the more abstract, φορτίου, or “load.”

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339 P. Oxy. 1.36 (100-225 CE)
340 It is worth noting that the text has been edited and “talent” has been supplied throughout the first section. The emendation is logical, based on other examples, but, since local variation is vitally important in this case, there should be a caveat attached to this interpretation. It is possible that another weight system might have been in use, and no reason to suppose that a talent in Oxyrhynchus would be the same as an Attic, or even an Alexandrian, one.
341 lines 1,13; Again, local measures are a typical feature of such documents, and probably facilitated transportation, in that goods did not need to be unloaded, investigated, and reloaded at every customs point crossed. Samples of the product could be presented, but the majority of goods could remain in pre-measured sacks. Melissa Bailey AIA/SCS 2016, “Reforming Measurement in the Roman East.”
We lack the beginning of the papyrus where we assume further items and their tolls, as well as further context, would be listed, yet in the second column the papyrus begins to provide a description of an interaction between merchants and tax collectors, the process of inspecting a suspect load of goods:

Column 2 -- -- -- -- --
[έ]πει(*) ὤ[τό[v ε . . . . . . .].]  
μον πάντω[v . . . . . ο ἐμπο-]  
ρος συντ[. . . . . . . .]  
[ό] τελόνης [ . . . . . .]  
πότερον τ[. . . . . . . .]  
φορον βούλεται[τ]. ἐ[όν] ὤ ὢ  
<ὁ> τελόνης ἐκφορ[τισθ]ὴν-  
ναι τό πλοῖον ἐπιζητήσῃ,  
ὁ ἐμπορος ἐκφορτιζε[τ]ῶ,  
καὶ ἐὰν μὲν εὑρεθῇ τ[υ] ἐστερεον ὡ ὢ ἀπεγράψατο, στερή-  
σιμον ἔστω, ἔὰν ὡ ὢ ἑ-  
ῥεθῃ, ὁ τελόνης τ[ή]ν δα-  
πάνην τό ἐμπό[ρ]ω τοῦ  
ἐκφορτισμοῦ ἀποδ[ότ]ῶ.

...but since...all...the merchant...the tax collector...whether...he wants payment. But if the tax collector wishes the ship to be unloaded, the merchant will unload. And if anything is found other than what was declared, let it be liable to confiscation, but if nothing is found, the tax collector will repay the cost of unloading to the merchant.

Column 3 -- -- -- -- -- -- -- --
καὶ παρὰ τόν ἐ[γλαβόντον]  
τά τέλη χειρογραφ[τιν](*)[λαμβ]α-  
νέτωσαν ἵνα εἰς τό μέλ-  
λον ἀσυκοφάντητοι  
ὁσιν.

And they will receive a written declaration from those who collect the taxes so that they will not be slandered in the future.  

The inspection comes, we are told, at the urging of the tax collector, the τελόνης, who judged the necessity of the search. The text carefully does not say what is heavily implied, that his cause was most likely something appearing to be suspicious about the load or the report of its contents. It should not be assumed that searches were done for every cargo being transported along the Nile. The quantity of goods being transported

342 P. Oxy. 1.36, a list of mostly eastern imports precedes this regulation, and appears to have followed, as well. The ship mentioned is a river, not sea, vessel, given the origin of the document.
must have made a simple report sufficient much of the time. From imperial law we know that it was the responsibility of the merchant to report his or her cargo to the tax collector, and we have receipts showing that written records were kept of what was reported as well as what was paid. The papyrus confirms both the imperial position and the documentary evidence, claiming that the search would confiscate anything other than ὃ ἀπεγράψατο, that which was declared.

Given the provisions for the protections of merchants from wrongful search, which will be discussed shortly, it is likely that tax farmers acted from a position of some certainty when they chose to search a given merchant’s position. There had to have been a good reason to suspect that they had been provided with an inaccurate or fraudulent manifest of the cargo. Yet this document does not state what kinds of justifications might have been given to merchants. Nowhere does the papyrus list justifiable reasons for search, and we are left to assume that, often, the “hunch” of a customs officer was a sufficient reason in itself. This, of course, left merchants largely at the mercy of officials, who, if they held a grudge or wished merely to display their power, could inconvenience merchants significantly by exercising their right to search.

Certainly, no justifications appear to have been given when we examine discussions about the hindrance that searches posed to those traveling in the Roman world. These descriptions tend not to come from the legal records, so, for comparison, we must turn to literary references. Plutarch, in a brief passage from his De Curiositate,

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343 E.g. P. Customs 466 (208 CE) Dionsias, Arsionites: an individual merchant’s receipt for transporting camels and olives; P.Lond.III.1169 (2nd–3rd century CE), a list of traders and their cargo from the customs house of Soknopaiou Nesos.
describes the hassle and the imposition as it was felt on the other side of the customs process:

καὶ γὰρ τοὺς τελώνας βαρυνόμεθα καὶ δυσχεραίνομεν, σύχ ὅταν τὰ ἐμφανῆ τῶν εἰσαγομένων ἐκλέγοσιν, ἀλλ’ ὅταν τὰ κεκρυμμένα ζητοῦντες ἐν ἄλλοτρίῳς σκεύεσι καὶ φορτίοις ἀναστρέφωνται: καίτοι τοῦτο ποιεῖν ὁ νόμος δίδωσιν αὐτοῖς, καὶ βλάπτονται μὴ ποιοῦντες.

For we are distressed and annoyed by customs officials, not when they levy tolls on the things we are openly bringing in, but when, searching for concealed things, they upset our baggage and cargoes. Although the law permits them to do this with these things, and that would be cheated if they did not do it.\(^{345}\)

Plutarch finds tax farmers annoying, not in the course of normal business, but precisely at the moment mentioned in the papyrus, in the moment of search. He does not provide any reason, real or putative, that a customs officer might have given to rationalize his action and, as Plutarch himself seems an unlikely candidate for being a smuggler, there is some reason to wonder why he, in particular, would have been searched.

However, Plutarch’s focus is on how a search feels invasive, and he uses this scene to illustrate the actions of busybodies. While customs officers are acting justly, going about the business they are paid to do, their actions remain annoying, δυσχερής. Plutarch hastens to find some redeemable quality to the whole experience, that the τελώναι act accordingly to the law, and are within their rights, but only goes so far to further the contrast he is making with the busybody, who has no redeeming quality, and no right to the information he seeks.

The emphasis on the law is critical to Plutarch’s case, as it is in the case of the Oxyrhynchus papyrus. The right to search is guaranteed by law according to Plutarch, and this guarantee is echoed in Pseudo-Quintilian, an author or collection of authors,

\(^{345}\) Plutarch, *De Curiositate* 7, aka 518E.
writing, perhaps, in the 2nd century,\textsuperscript{346} who reports that, “The tax farmer has the right of search. Undeclared items shall be confiscated.”\textsuperscript{347} It is not clear from what he derives this conviction, since none of the codifications repeat this sentiment, but this papyrus confirms that legal right, suggesting that this was common knowledge and practice, if not part of more general legislation or an issue that had required an imperial rescript to resolve.

The evidence for searches comes primarily from these sources, Pseudo-Quintilian, Plutarch, and the Oxyrhynchus fragment, but also appears in one instance where abuse was reported: another papyrus, now in keeping at Princeton University, where searches seem to have been used as an excuse to delay merchants and extort payment for release from them.\textsuperscript{348} This document states that officials were “laying hold of”, κρατεῖν, merchants, and demanding fees for their release.\textsuperscript{349} It is not absolutely clear that searches were being used, but they seem a more plausible tool to justify delays than arrests, since there seems to have been some legal precedent for the former, but none for the latter. All our sources suggest that confiscation was the standard punishment for smuggling or inaccurate reporting, and searches were already time-consuming. If we follow the implications of Plutarch’s irritation, this would make searches a reasonable excuse for customs officials hoping to extort money from impatient traders.

While searches have some legal grounds in Egypt and in the greater empire, the remainder of the Oxyrhynchus papyrus is without precedent. It seems to have been a

\textsuperscript{346} Bailey, \textit{Lesser Declamations I}, also the position of van den Berg, “Imperial Satire and Rhetoric.”
\textsuperscript{347} Pseudo-Quintilian, \textit{Declamations}, 359.
\textsuperscript{348} P. Princ. 20 (2nd century CE), these sources are also discussed together in Lewis, \textit{Life in Egypt Under Roman Rule}, 141–42.
\textsuperscript{349} P. Princ. 20, line 7.
provision specific to this customs house, a series of protections available to merchants to prevent exactly the kind of abuse that the Princeton papyrus condemns. The Oxyrhynchus papyrus states that customs officers were responsible for all unloading costs if they were mistaken in their search.\textsuperscript{350} Specifically, the text says that they must give the costs back to the merchant, revealing both a previously-unstated burden of searches and that there was an element of direct recompense between toll collector and merchant, a payment that was owed personally. This is continued in the third column of the document where the tax farmer owes the merchant a handwritten, $\chi\epsilon\rho\omicron\gamma\omicron\alpha\phi\omicron\iota\alpha\nu$, document so that they would not be subject to further searches.\textsuperscript{351}

This document was a powerful concession to merchants, who generally had to operate on their reputation alone.\textsuperscript{352} In this context a search was tantamount to an accusation of fraud, even if officials were not required to make the accusation openly. For a merchant this handwritten document was an admission of wrongful suspicion and ill treatment from tax collectors. It was a testament to their honesty and could be used to speed further transactions. With speed came lower transportation costs and other financial benefits, and the document could also be used to bolster a merchant’s reputation at subsequent customs points, both on this trip and in future.\textsuperscript{353}

Bang claims that this protection was minimal next to the punishments doled out to merchants who failed to disclose their cargo,\textsuperscript{354} but this papyrus offers protection from wrongful search, may have dissuaded tax collectors from searching without good cause,

\textsuperscript{350} P. Oxy. 1.36, column 2, lines 13-15.
\textsuperscript{351} P. Oxy. 1.36, column 3, line 2.
\textsuperscript{352} As discussed in the second half of this dissertation, reputation was a vital tool for merchants and one which was seldom supported by state institutions as it seems to have been in this papyrus.
\textsuperscript{353} See the following chapters for discussions of the utility of reputation among Roman merchants.
\textsuperscript{354} Bang, \textit{The Roman Bazaar}, 210ff.
and offers retribution to those who had been wronged, which cannot have been a small matter when, from the evidence of imperial laws, the majority seem to prioritize the protection of customers over merchants. Though this documentation had clear economic benefits, it is likely that there was also personal value in seeing those who were invasive and annoying, according to Plutarch, forced to publicly declare that they were wrong and had acted on an unfounded suspicion. As we will see in the next section, this kind of document would have been influential in the kinds of face-to-face relationships that characterize many of the transactions at customs houses.

Though reputation is not always a zero-sum game, tax farmers lost face in this circumstance, and a merchant gained as a result. Importantly, reputation is generally a local tool, which benefits those who primarily interact frequently and at close quarters, a topic that will be returned to in chapters four and five. The final provision of the papyrus is aimed at serving just this kind of community, thus giving us not only a local law, but a law that specifically aimed to resolve local problems that stretched beyond economic matters and into the community that surrounded these economic activities.

These two laws are reflections of their local contexts. They operated under the umbrella of imperial law, but their differences from those general provisions, and from each other, reflect the differences that their communities required and implemented. There is a clear nod in both the Zarai inscription and the Oxyrhynchus papyrus to Roman authority, but the practical implementation of that authority placed emphasis on different things. Zarai committed itself to a transparent and swift customs process, while

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355 As, for example, the law of Hadrian on fishermen mentioned above. Its provisions prioritize the consumer over the producer or middleman. The most important thing is that buyers are not being forced to purchase at inflated prices, not that fishermen or retailers are supported or protected.
Oxyrhynchus demonstrated a solution to annoyances that occurred during the normal, and legal, searches that were necessary to curb smuggling. The texts are also different in their materials, as an inscription and a papyrus. In the case of Oxyrhynchus, it is unclear what the temporary nature of that material may have meant, and it opens up the possibility that this was a personal copy of the law, kept by someone who expected to need it, possibly even a trader. A parallel may even be drawn to the archive that seems to have been maintained by the navicularii at Arles discussed in chapter one. Yet both the Zarai inscription and the Oxyrhynchus fragment present themselves as law, and lay claim to the status and the authority that that implies, in part by tapping into the same kinds of language as that used by imperial law.

The differing emphases we see in the texts may have been the product of local customs traditions, which had developed from individual needs over time, or were at least solutions that were based on what seemed to be practical, convenient, and necessary for collection by those who claimed the authority to regulate tolls and customs. The central powers of the state had a loose handle on these processes, but there is no evidence to indicate that they acted to correct or censure deviations from the system imagined by imperial law. As long as local customs continued to bring in revenue for the state, local authority was respected.

This tolerance of local variation, and regional decision-making, at least when it came to tolls and customs, is treated as a benefaction from the state, particularly in the Digest, where jurists note that this was a foundational element of imperial legal “policy.” Paulus, writing as a jurist under Septimius Severus and later as a praetorian prefect under Alexander Severus, states that, “in the case of all revenues, the custom of the
neighborhood is generally considered, as is provided by the imperial constitutions.™

The language used frames this as a kindness, and one that the state need not have extended, but it seems likely that the state actually lacked the ability to enforce a more tightly controlled system of tolls.

This is abundantly evident when we consider the state’s indifference to, or at least inability to resolve, larger, more serious problems. For example, we have evidence of the state praising local communities that resisted banditry,™ but it did nothing to combat that lawlessness itself. “Police forces,” such as they were, were generally focused on keeping unrest to a minimum and the military protected citizens from large-scale external threats, but neither group protected them from robbers or even from rogue imperial agents.™

Since the Roman government was unable to resolve these violent problems, it is clear that it lacked the structures and numbers that would have enabled the state to enforce its will everywhere and evenly over every part of imperial administration. Tolls and customs, though profitable, were a low priority, and one whose effective implementation was left in the hands of local powers. The Roman government had to maintain minimal levels of control, primarily through the might of the army and through its overarching legal powers, but it chose to present itself rhetorically as magnanimous in being respectful of local customs, regardless of the fact that it could not have changed them.

Instead, the state benefited financially, taking what tax farmers collected in tolls and generally leaving local matters to tend to their own needs. For merchants, who

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356 Digest 39.4.4.2, In omnibus vectigalibus fere consuetudo spectari solet idque etiam principalibus constitutionibus cavetur.
357 Bang, The Roman Bazaar.
358 Soldiers serve as an example. Garraffoni, “Robbers and Soldiers.” There are also strong parallels between robbers and soldiers in Apuleius, as well as in the Greek novels.
operated, in many cases, exclusively at these local levels, it was less important to them whether it was imperial or local law in action. For them, tolls and customs were collected, and it mattered little where the money went once it left their possession. It was the process, and the individual customs officers who they faced, that were essential, not the distant *fiscus* or imperial agents at higher levels that were of concern. In the final section of this chapter, we will turn to the consequences of the personalization of the customs process, looking particularly at how face-to-face dynamics made already local law into a hyper-local, interpersonal relationship that was dominated by personalities and familiarities that could make the process either more, or dramatically less, simple than the laws present.

**At the Customs House:**

The evidence for customs, particularly from Egypt, provides us with a somewhat unique opportunity to examine the face-to-face interactions between merchants and the state. While anecdotal evidence for the customs process is rarely available to us, a wealth of documentation preserves a multitude of trips back, forth, and around the Mediterranean. In this final section, customs receipts will be scrutinized as a particularly revealing category of evidence. Since customs receipts were given each time tolls were paid there is a rare opportunity to use them to track individuals over the span of a number of years and to see how often they traveled through the same points, encountering the same officials.

The interaction of customs officers and merchants has previously been understood in the context of the unchecked authority that officials held over traders. Bang, in
particular, has categorized this relationship as predatory, in which, for either state or personal gain, officers acted to squeeze wealth from merchants who had relatively little recourse in the process.\textsuperscript{359} Certainly, there is some evidence to support this, not only specific cases, like that described in the Princeton papyrus, mentioned above, where travelers could be illegally charged to secure their release and the release of their property, but also institutionalized inequalities, like the tax-farming system, which effectively prohibited any limit being placed on how much a customs officer could collect. Bang notes that punishments for customs officials who over-charged seem lax and unsystematic,\textsuperscript{360} which corroborates the hypothesis that it was anticipated that local practices would police (or not) the actions of local officials.

While the point is well taken that some merchants were taken advantage of during the course of the customs process, and that it is likely that customs officers acted outside the parameters of imperial law in their pursuit of personal gain, it is possible to pair Bang’s “predation” with plentiful examples of tolls being paid without complaint or fuss. The majority of the evidence for customs comes in the form of dispassionate receipts, recording names of traders and goods in motion. While it is possible to present examples of these documents that clearly contain extra charges, fees that were “illegal” by imperial standards, the evidence provided above of local legislation should demonstrate that law itself was a varied category and that it is probably best to judge these documents by the kind of practices they imply, rather than by their distance from imperial law.

\textsuperscript{359} Bang, \textit{The Roman Bazaar}, 204–5.
\textsuperscript{360} Bang, 207–8, n. 19.
Practice certainly supports the idea that officers were taking advantage, as the example of Pabous shows clearly, but also that officers and merchants were always operating face-to-face, dealing with each other not only as figures within a legal tug of war, but as personalities that either cooperated or clashed during the process of assessing cargoes, paying fees, and receiving documents. Accessing these relationships can be challenging, but customs records provide an excellent starting point. A long customs log from Bacchias, probably recording duties from the harbor of Memphis, all in the same hand, lists transactions from August 29th to September 27th, 114 CE and it provides an excellent case study. The account lists traders, their goods, how much they paid, as well as a total amount taken for the day, within a “system” that applied a flat fee based on weight and type of good.

The document lists a number of the same traders who passed through the harbor several times over the course of the month that the papyrus records. One trader, Horion, passed through the customs house four times during this period, first on August 30th, and then three times in September, on the 8th, 9th, and 22nd. Pieter Sijpesteijn notes that the travel on the 8th and 9th would have been on an outbound and then a returning journey, probably between Bacchias and Memphis, around 25 miles. The record shows that he primarily exported fleeces and a reasonably large amount of produce, black beans, barley, and vetch. He returned to the harbor with two jars of vinegar, presumably purchased with the money of selling his fleeces, beans, and barley from the previous day. None of Horion’s cargoes identify him as a particularly large dealer. He travels, at most, with

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361 According to Johnson, *Roman Egypt*, II:596.
362 In two pieces, P. Merton I 15 and P. Wisc. II 80
363 Sijpesteijn, *Customs Duties in Graeco-Roman Egypt*, 29.
three pack animals, which probably suggests that he had a slave or family member to help him lead them, but the amounts in transit are consistent with a single, mid-range producer’s yearly output.

Passing through the customs house four times in one month is, by itself, suggestive that Horion would have known the customs officials stationed in Bacchias, but the record also shows that twice, on his second and final tolls, Horion’s cargo underwent special examination. As far as this document indicates, fleeces required inspection not required by other kinds of cargo, so there was nothing untoward about the search. While Bang would note that Horion was charged extra for this “service,” in this case the document is more interesting because it demonstrates that Horion was put in close proximity with the customs officers who needed to assess the number of fleeces and how much wool the fleece actually produced. It is hardly likely that, having had his cargo examined on the 8th, Horion was not remembered when he returned with his vinegar on the 9th.

Horion’s interaction is not atypical, either for this document or for the larger body of evidence. The well-attested site of Soknopaiou Nesos has provided us with a large number of receipts, including several, all dated to the late second and early third century, that come from a small transporter, or possibly a pair of small transporters, by

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364 In fact, Horion enters the customs house on the 30th and the 8th and the log shows that two merchants Abous and Ammonius also arrived on both of those days. There is significant evidence within this document of several groups of merchants who traveled this route at the same or similar times. There is some mingling, and some who seem to have stuck to routine, but the evidence shows a group of merchants who must have known and recognized each other.

365 Excavated by the University of Michigan, accordingly we have a disproportionate number of papyri from the site compared to its relative importance to trade in the region.

366 Sotas’ identity has already been the subject of debate, Sijpesteijn, “Eine Weitere Torzollquittung Aus Der Amsterdamer Papyrussammlung,” is doubtful that all attestations can be one person, dating the range from 163-219 or even a little later. Koenen, “Datierung Einer Berliner Torzollquittung,” believes they are
the name of Sotas.\textsuperscript{367} The records show that Sotas was moving a small amount of grain or vetch with his work animals, generally a donkey or a camel or two. One particularly expansive example tells us that he was supplying the Oasis, by which the document most likely means Lake Moeris which lay directly to the south of the customs point. Sotas was a small-time trader or producer, moving even smaller distances than Horion. However, the regularity with which Sotas traveled suggests that he, too, would have been known to those at his local customs house. At one point in 190 CE we know that Sotas passed through Soknopaiou Nesos twice in the same month,\textsuperscript{368} probably meeting and paying the same officials each time.

The Bacchias record suggests even more strongly that these officials were aware of how frequently they met with the same merchants. The record shows that officials abbreviated names of traders with whom they were especially familiar. There are eight abbreviations total, generally not on cargo that is in any way exceptional. One, abbreviated just to Prot, traveled on the same day as Horion carrying the same cargo of two jars of vinegar. Another trader, abbreviated as Diosc, passed through Bacchias on the 10\textsuperscript{th} and again on the 18\textsuperscript{th} of September, both times carrying a small amount of produce. These abbreviations indicate familiarity, as does the general absence of patronymics. Sijpesteijn calculated, in his survey of the customs receipts from Roman Egypt, that the patronymics appear in only twelve cases, a minuscule number out of hundreds of known

\textsuperscript{367} Sijpesteijn, “Eine Weitere Torzollquittung Aus Der Amsterdamer Papyrussammlung.” knew of twelve examples, see citation above for list, to which we can add at least four more: P. Customs 408, P. Customs 441, Sb 6 9233, Sb 16 12611 (aka, P.Mich. 6182c, 6177c, 6152, 6161a)

\textsuperscript{368} BGU XI 2110 and P. Grenf. II 50h, customs were paid on June 6\textsuperscript{th} and June 20\textsuperscript{th}, respectively, and Sotas carried vetch and grain on one and two donkeys respectively.
examples, but ones in which the traders were clearly less well known and required further identification.369

The evidence suggests that, even if traders did not, for one reason or another, earn an abbreviation or nickname, customs officials were nevertheless familiar with many of the faces that crossed their borders. This would likely have been somewhat less true for larger ports like Ostia or Alexandria, but most customs points would have been smaller than these, sharing the dynamics of Bacchias and Soknopaiou Nesos. Of course, this level of familiarity does not correspond immediately to friendly relations. Just because customs officers recognized these traders does not mean that they liked them, or that the Horions or Sotases of the Roman world were not irritated by the fees and searches that these officials oversaw. The implication, however, is that this familiarity had a direct bearing on how the process went, for better or for worse. Long-term familiarity and proximity would lead to a collection of memories on both sides of how the process had gone, and the people had behaved. They remembered what happened last time and the time before, with direct bearing on how each side expected that future interactions would go. Reputation, generally, had to have had a direct bearing on the process for both sides, as some customs houses were known for being more or less fair and traders for being more or less honest. Again, this is a topic to which we will return in more detail in the following chapters.

These reputations were best known locally, tied to the immediate proximity in which gossip would move fastest and penetrate most fully, a concept that Pabous, the

369 Sijpesteijn, Customs Duties in Graeco-Roman Egypt, 29. This work is now dated, and it is possible that recent publications may have shifted these statistics. However, Sijpesteijn’s corpus was not insubstantial, and included several hundred receipts and records.
Arab archer, understood intimately. For those who merited a positive reputation, this was a boon, making them more attractive as business partners. Alternately, a negative reputation could be harmful, and, at crossing points, it could lead to more antagonistic meetings, or possibly even to increased levels of smuggling or more aggressive searches. We can assume that local merchants had an advantage over outsiders, since they had better access to this information, and were more likely to have a reputation of their own that they could put to good use.

Evidence for this is relatively scarce, but it does seem to appear, to some extent, in the codifications of imperial law. The letter from Valentinian and Valens to the imperial exchequer mentioned above strongly denounces those who attempted to present themselves, through rescripts, as exempted from tolls. The state’s position was clearly that all private persons, with very limited exceptions, were subject to customs duties. They specifically mention patronage as a tool that was used to avoid paying tolls. If a merchant could get a letter or rescript claiming an exemption from a patron, particularly one recognized as an authority by the customs house, this would have been an asset to their business, though it directly undermined both the authority and the profits of the state.

It is similarly plausible that other traders tried to use their familiarity with customs officers to receive other or similar benefits, a technique that lacks a discernible paper trail because it was infrequently reported or prosecuted. In this situation, we can imagine a merchant asking, as a favor or as a friend, for an exemption or an extension from a customs officer they “knew” at some level. Our sources cannot offer us evidence

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370 CTh XI.12.3=CJ IV.61.6 (Milan, February 20, 365 CE)
since the tactic either failed, and merchants paid their toll, or it succeeded, and officials did not record it. They found other ways to profit from merchants, probably enriching themselves personally rather than the state, as in the case of Pabous’ Polydeuces.

The state could do nothing about such local interactions and probably had little awareness of them. There seem to have been no complaints put in writing about favoritism in customs proceedings. Something like Pabous’ complaint about his superiors may in fact cover up something of this nature, but the scale of this mutual back-scratching was probably beneath the notice of the central Roman government. It was, perhaps, even within the expected parameters for the system that some would act in this way, manipulate the system to their own personal advantage, and assumed that social systems would serve to limit any particular individual from benefiting too greatly at the expense of others in their community.

Conclusions:

The state distanced itself from these matters, leaving the daily operation of collecting tolls in the hands of locals, who were equipped to deal with the specifics and who would be responsible for the cost of maintaining and regulating the systems of customs. The state’s lack of intervention was born of a combination of necessity, having too many responsibilities to make customs a priority, and genuine indifference, since the state profited regardless of how collection was practiced. Nevertheless, the state’s indifference was dressed up rhetorically as the actions of a benevolent, indulgent government that permitted local practice to continue under its wise governance. As we saw in the previous chapter, this self-fashioning, whether of the emperor, particular
officials, or the state more generally, did not necessitate a direct bearing on reality. It was enough to make the claim, and to require only the consensus of the people, not even demanding their perfect obedience.

This chapter has demonstrated how that imperfection played out on the ground, with particular emphasis on Egypt, and the rare wealth of documentation it has preserved for us. However, this chapter has also noted, in its focus on local relations, scaling down to the interpersonal level, that even this wealth of documents cannot give us access to the social dynamics and institutions that structured the practices of enforcing law. For that, we require more information about the merchants themselves, and we must turn from the perspective of the state entirely, to look more closely at how informal institutions worked, how merchants held agency in their own economic performance, and how social status inflected all economic activities.
CHAPTER 4: The Reputation of Roman Merchants

The first half of this dissertation has argued that the evidence for, and the impact of, the interventions of the Roman government offers us little in the way of analytical tools for assessing the economy as a whole, or the social and economic lives of merchants, in particular. The actions of the state were only directly felt by a few and reached the majority of economic actors through regional mediation and highly variable local enforcement. These chapters challenged the hypothesis of a strong Roman state that was able to regulate the economy. Chapter three pushed beyond the state and began to sketch the scene where economic activity generally occurred, in face-to-face communities, where individuals, their social dynamics and cultural practices, had far more comprehensive influence on the economy than institutions of the state. In these local contexts, our evidence suggests that merchants actively leveraged their interpersonal relationships to their economic advantage, and that, because these ties were valuable, they invested substantial effort into cultivating and protecting them.

In the terms of New Institutional Economics, the first half of this project has addressed the nature of the institutional environment of the Roman Empire. It has examined the role of governance and the formal institution of law. Its conclusion has been that these formal frameworks did not operate as the primary determinant of economic activity since the state did not provide substantial stability to trade through law or other formal institutions. While it does not deny the state some agency, particularly in establishing an economic infrastructure that was expected to be in place, even if it would later be ignored or modified, it has suggested that the economy of the Roman Empire was
given its structure and stability by informal institutions, the social norms that served to
“shape human interaction.”

In the second half of this project, we will begin to examine these informal
institutions and their effects on merchant behavior, with a particular eye to understanding
how they functioned as organizing principles in the Roman economy and Roman society.
In order to do so, we will first need to ask why informal institutions held such power in
the Roman context. We have already discussed the weaknesses of formal institutions.
However, since all societies have some culturally specific, informal institutions, but not
all are equally influenced by them, we need to establish why these held such power in the
Roman world.

These questions are not new, and reasons have been proposed ranging from
environmental constraints to fragmented markets and informational imbalances.
Horden and Purcell have proposed, not for the first time, that the prevalence of informal
institutions, and particularly honor and shame, discussed more fully below, was a product
of a Mediterranean character, one that supersedes the typical periodization that has been
imposed on the classical world.

At base, this nod to social anthropology demonstrates
an understanding of how the culture of a place shapes its historical, economic, and social

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371 North, Institutions, Institutional Change and Economic Performance, 4.
372 Horden and Purcell, The Corrupting Sea. Micro-regional variation in the Mediterranean has presented
the causes of the, at times dramatic, imbalances of supply. This position has been highly influential, and has
informed the work of both economists and historians dealing with the ancient world and the Mediterranean
World more generally. Bang, The Roman Bazaar, has argued for a Roman world filled with this kind of
uncertainty and risk, to that extent that he considers this to be a defining characteristic of the Roman
economic environment. Pace, Temin, The Roman Market Economy, who believes that pricing data,
however disparate in time and context, suggests that the Roman Empire was a single, well-integrated
market.
373 Horden and Purcell, The Corrupting Sea, 488–501; Peristiany, Honour and Shame: The Values of
Mediterranean Society; Stewart, Honor; Albera, “Anthropology of the Mediterranean”; Gilmore, Honor
and Shame and the Unity of the Mediterranean; Gilmore, “Anthropology of the Mediterranean Area.”
trajectory. This is not wrong, and indeed, its influence can be seen throughout the following chapters, but it does place the issue in the abstract, and risks an ahistorical framework that would have been unrecognizable to a Roman trader.\textsuperscript{374}

It will be useful to take a concrete example. The trader Sotas, whom we met in the previous chapter, lived this instability in easily traceable ways.\textsuperscript{375} He regularly traveled through the same customs house in Egypt. While his interactions with the officials there may (or, indeed may not) have been similar each time, we can see from the official records that he was always dealing in loads of agricultural product that varied in size, content, or quality, the result either of differences in his own production or of the availability of goods from his suppliers. In either case, his options were constrained by factors outside his control, such as prices or weather, and in each case, he was forced to work within his limited choices. In coming to the customs house, Sotas’ choices were fairly clear cut: he could choose to pay the toll or not. This toll, generally 3\% of the value of the goods transported in the case of the toll house in Sotas’ Soknopaiou Nesos,\textsuperscript{376} was not necessarily prohibitively expensive, but, particularly on a small quantity of low-value goods, such a fee might eat considerably into one’s profit margin. In arriving at the customs house, and traveling from his home, Sotas had, in all likelihood, made the decision to pay the toll already. Yet the range of differences on each trip—how much he had invested in these goods, the state of the market in which he had purchased and the one where he would sell, or even the challenges of travel in a given season—demanded

\textsuperscript{374} Similar objections have been raised by Herzfeld, “Honour and Shame”; Herzfeld, “The Horns of the Mediterraneanist Dilemma”; Herzfeld, “Practical Mediterraneanism”; Davis, \textit{People of the Mediterranean}.\textsuperscript{375} Sijpesteijn, “Eine Weitere Torzollquittung Aus Der Amsterdamer Papyrussammlung,” and at least four more: P. Customs 408, P. Customs 441, Sb 6 9233, Sb 16 12611 (aka, P. Mich. 6182e, 6177c, 6152, 6161a).\textsuperscript{376} As in Sb 5 7824, Sb 6 9233, and P. Customs 408.
that he evaluate his choices based on what he believed to be the outcome of each option.\textsuperscript{377}

While speculation, it is reasonable to assume that Sotas, and certainly others like him, put substantial thought into whether, and when, to go to market.\textsuperscript{378} However, traders like Sotas had little opportunity to know what the outcome of their choices would be. They operated with little knowledge of their broader economic circumstances and had few opportunities to improve their information. Their best source of information was their own experience, and beyond that, they knew only what they could glean from their neighbors, from the collective memory of their community, or from sporadic contact from more distant acquaintances or trading partners. They did not know, and could not determine, what the best choice was. Nevertheless, they continued to operate in uncertainty, unable to predict what the market would bear or what their fellow traders and competitors might choose to do given their own uncertainties.\textsuperscript{379}

The evidence for this kind of uncertainty is plentiful. In Apuleius’ \textit{Metamorphoses}, Lucius meets a dealer in foodstuffs from Aegium, who recounts how he traveled from his home to Thessaly in pursuit of a fine, but inexpensive, cheese that he

\textsuperscript{377} In neoclassical economic thought, he would be compelled to choose the most economically advantageous option. There might be other considerations looking at the matter from an institutional perspective, such as the need to appear prosperous by, for example, going to market and selling one’s goods in order to avoid the appearance of economic failure by staying home. One’s neighbors or competitors in the latter situation might assume, and spread the rumor, that a merchant had gone out of business or gone bankrupt in his absence, thereby making it necessary to make an appearance and save face, even if it meant taking a financial loss.


\textsuperscript{379} See Terpstra, \textit{Trading Communities in the Roman World: A Micro-Economic and Institutional Prospective}, for the Italian equivalent.
had heard was on sale in the region. The merchant tells Lucius that he failed in his endeavor, because a wholesale dealer, Lupus, had already “wolfed” up all the bargains.\(^{380}\)

The food dealer acted on the information he had, but was unable to test it either before he went—to know if the cheese was really for sale—or to assess the claim once he arrived—to hear the price or try the cheese for flavor or quality. Further, he had no way of knowing what his competition would do, or, in all likelihood, to know who his competitor was. There is nothing in the passage to suggest that the food dealer had anything more than an account of Lupus from the cheesemaker or local cheese vendor, and it seems likely that he never met the man.

Traders like Sotas and the food dealer in Apuleius’ imagination had limited options for improving their information. Waiting to examine the market personally or sending word to friends and requesting their opinions might, ultimately, be too costly or time-consuming to be feasible.\(^{381}\) For dealers in perishable goods, time was money, and for those living on the edge of subsistence with mouths to feed, any profit was preferable to delaying the next meal by hunting for the best possible price. Furthermore, few could readily, and correctly, predict the action that would maximize gain in either the short or long term. Nearly everyone was in the same boat.

\(^{380}\) Apuleius, Met. 1.5, Sed ut prius noritis cuiatis sim; Aegiensis: audite et quo quaestu me teneam; melle vel casco et huiuscemodi cauponiorum mercibus per Thessaliam Aetoliam Boeotiam ultro citro discurrens. Comperto itaque Hypatae, quae civitas cunctae Thessaliae antepollet, caseum recens et sciti saporis admodum commodo pretio distrahi, festinus adcucurri id omne praestinaturus. Sed, ut fieri assolet, sinistro pede prefectum me spes compendii frustrata est; omne enim pridie Lupus negotiator magnarius coemerat. The pun is bilingual and almost certainly intentional on Apuleius’ part.

\(^{381}\) Records from Egypt suggest that merchants gave their agents the best advice they could on what and when to buy, but that they also left these proxies a good deal of autonomy. See: Aubert, *Business Managers in Ancient Rome*. 
As has been argued in the previous chapters, the state did little that made the trading world of a merchant like Sotas or the food dealer more stable or transparent. It left him subject to the whims of its agents, who operated without substantial supervision from above. The evidence of chapter three suggested that these agents had many opportunities to prey upon merchants, but might, equally, choose not to, thereby contributing to the general uncertainty. The law did little to favor the endeavors of the petty traders of the Empire, and it is a matter of debate to what extent it was even an accessible resource for a trader of this status. While a Sotas might operate within the bounds of the law, paying his taxes and tolls, his real economic concerns, the price of goods and the safety of his investments, were untouched by state institutions, whose interventions were not interested in these issues.

NIE explains that, in situations where uncertainty and information imbalances readily occur, such as the Roman Empire, economic actors are likely to rely upon regular patterns of behavior, and particularly those that act as limits for a majority of their peers, thereby making exchanges more predictable. These patterns ossified over time and were reified by the community into an institutional shape. The more people who conformed to the pattern, the more powerful the institution became, thus strengthening and reinforcing its place in society. In the Roman world, the most powerful institutions were informal, socially constructed norms that indicated which choices would be met with approval from the community. Formal institutions established by the state rarely

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383 Until the efforts of Diocletian to “regulate” those prices; see chapter two for the efficacy and intent of those interventions.
384 North, *Institutions, Institutional Change and Economic Performance*, 23–24., based on Heiner, “The Origin of Predictable Behavior.”, see also North, 12, “when it is costly to transact, institutions matter.”
attained the same level of influence in society, though, as we will see, merchants did sometimes allude to these institutions as a way of augmenting their position within society, laying claim to being a good citizen, as well as a good person.

As we will see in the chapters ahead, these informal institutions were frequently associated with judgments of morality in the Roman world. Many of the limits they enforced served to level the playing field for actors, and provide those who had less, or faulty, information with a chance to make an economically advantageous choice. This is not to say that the Roman marketplace was either structured or inclined to help the poor or disadvantaged. Yet, informal institutions, as reflections of broad socio-cultural tendencies, did not automatically benefit the privileged and were, to an extent, accessible to all, since, in order for the institutions to function, it was expected that all, or at least most, would operate within the same social and cultural frameworks. This was particularly true when institutions were expressed in morally coded ways. Behaving in a manner consistent with “goodness” was something that was believed to be available to, and expected from, everyone, even if “goodness” was socially contingent, and meant something different for the emperor, the slave, and all those living between those extremes.

Everyone ultimately shouldered the costs that adhering to these norms engendered. Institutions, by their very nature, constrain economic choices, and, at times, prevent individuals from pursuing the most, or most immediately, profitable course of

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385 Sugden, “New Developments in the Theory of Choice under Uncertainty,” summarized in North, *Institutions, Institutional Change and Economic Performance*, 42, states: “a convention acquires moral force when almost everyone in a community follows it, and it is in the interests of each individual that people with whom he or she deals follow the rule providing that the individual does too.”
action. Institutions generally put some other goal before gain, whether it be prestige, morality, or obedience to some higher religious, social, or political power. Instead, the freedom to pursue maximal profit was exchanged for greater predictability, stability, and security. This was valuable, enabling merchants to save time and money, and preventing many instances of loss, like that experienced by Apuleius’ food dealer. Furthermore, informal institutions provided merchants with the confidence to engage in deals with others. It was more possible to be trusting when social norms dictated what a trading partner’s most probable course of action would be. While this could not act as a substitute for personal experiences that generated long-term trust, institutions could bridge the difficult gap between strangers through the assumption that that most individuals would be constrained by the same institutions. Those who deviated from those norms and pursued gain without reference to these social constraints threatened not only the interpersonal trust that the system created, but also the system itself, as institutions drew their power and efficacy from the communal belief that it was the way things would be, and had to be, done.

As a result, there were stringent social and economic consequences for deviating from these standards of behavior. These consequences will be discussed in this and the following chapters, but, at an extreme, merchants could force their peers to operate within institutional limits by withholding the kinds of support that traders needed to thrive. Customers, too, had mechanisms for punishing merchants who cheated, stole, or otherwise contravened certain parameters. They were able to “vote with their wallets”
and take business elsewhere, and also had tools for spreading their dissatisfaction to others in the community, isolating the offender in social and business contexts.

Those who hoped to maximize their profits by ignoring informal institutions risked a great deal and were well aware that punishment awaited any who were caught violating these norms. Those who sought their own gain above all else are, in the terms of NIE and game theory, known as “free riders” and it was in the interests of everyone to limit their numbers, since the power of institutions could be weakened beyond any efficacy, if free riders became too plentiful. As we will discuss in chapter five, social or economic exclusion seems to have been the primary punishment for those who were caught free-riding, though in some circumstances more formal social and economic institutions, like *collegia*, economic, social, or religious guilds, held the power to impose fines upon free-riding members, or to expel them from their membership.

Informal institutions thus contained both an incentive and a punishment to induce conformity. The result was that merchants were able to act despite the uncertainties of their supply and financial status—they had made the human element of their work a stable factor that could be relied upon, at least most of the time, to conform to a set of expectations.

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386 As in Dio Chrysostom, *Orationes*, 31.37-38, see introduction for discussion.
In the following chapters, we will look more closely at the informal institutions that formed those expectations. In particular, our focus will be on the institution of reputation, as it applied to the professional lives of merchants. In this chapter, we will look at how merchants conceived of, shaped, spread, and protected their reputations, and what benefit a good reputation was to an individual. In chapter five, we will examine group reputations and the institutional limitations placed on merchants by the negative stereotypes that circulated about them. Finally, in the sixth chapter we will turn to the social mechanisms that spread the reputations of groups and individuals, and in particular to the phenomena of gossip and letters of recommendation. As a whole, these chapters will explore reputation as an institution that was central to the social and economic success (or failure) of Roman merchants, who relied upon their reputation, and the reputations of others, as a means to reduce volatility, increase predictability, and generate opportunities in their professional lives.

**Reputation Theory:**

The choice to address reputation, among the many possible informal institutions that might have been the focus of these chapters, was made on the basis of substantial work already done attempting to identify the nature of the “Mediterranean character.” While this largely a dated practice, founded on assumptions that have little bearing on modern scholarship on the ancient world, the goal of these works: to find the social structures that defined this place, or collection of places, parallels modern scholarship on social and cultural history that is more sensitive to nuance and variation. For many, both

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388 It draws its origins from social anthropology. Horden and Purcell, *The Corrupting Sea*. attempted to bring this literature back into the discussion.
historically and in current discourse, this characteristic has been honor, generally accompanied by its counterpart, shame.\textsuperscript{389} These discussions have looked at the economic world of the Mediterranean in fundamentally similar ways to that this dissertation promotes. Peristiany said, “Honour and shame… are the constant preoccupation of individuals in small-scale, exclusive societies where face to face personal, as opposed to anonymous, relations are of paramount importance.”\textsuperscript{390} Horden and Purcell, explicitly building on Peristiany’s perspective, have noted that these face-to-face communities are found, just as commonly, within urban neighborhoods as in rural villages.\textsuperscript{391} These scholars have conceived of Mediterranean communities as groups and individuals who were deeply invested in each other, and judged each other along fundamentally similar lines.\textsuperscript{392} These judgments, and the fear of such judgment, functioned as institutions, encouraging certain kinds of behavior and sanctioning others. Further, the social contingency of honor, which applies differently to different sorts of people, aligns well with the kinds of institutional limitations seen in the lives of Roman merchants, suggesting that these can be productive lines of thinking.

However, honor, with shame as its mirror image, encompasses only a portion of the phenomena that this project hopes to address. Honor marks the moral and social worth of an individual but does not account for the full range and variety of institutional limitations imposed by the estimation of others. It is possible to be considered dishonorable by one’s community, but still find oneself engaged in active trade, while,

\textsuperscript{389} Horden and Purcell; Peristiany, \textit{Honour and Shame: The Values of Mediterranean Society}; Campbell, \textit{Honour, Family and Patronage}.
\textsuperscript{390} Peristiany, “Introduction,” 11.
\textsuperscript{391} Horden and Purcell, \textit{The Corrupting Sea}, 499.
\textsuperscript{392} For a comparable argument made without this approach, see Grey, \textit{Constructing Communities in the Late Roman Countryside}. 
alternately, it is possible to be an honorable person with whom no one will deal. In the former case, we might consider the case of sex workers, whose honor is compromised according to Roman social values, but who still were able to maintain thriving businesses. On the other hand, if an honorable man is known to charge too much for his goods, he will still find himself without trading partners. The ways in which these circumstances inflect social interactions is encompassed by reputation, not honor. It is not, for example, a matter of honor or shame when a merchant drives a hard bargain in the morning but eases up in the afternoon or sells the unsold bread from the day before at a reduced rate. Such issues might, however, be a part of a tradesman’s reputation, and would contribute to a good reputation or to a bad one, depending on how the viewer (or listener) construed these details.

Furthermore, honor and shame do not account for the system of trust that informal institutions create and foster. As Pitt-Rivers has noted, “on the field of honour might is right,” with dangerous and powerful people being granted physical, visible badges of honor that might not align with privately held opinions about his true honor, moral rectitude, or character. Honor, therefore, cannot be used as a metric of trustworthiness, and, while, institutionally, it is sensible to assume that individuals in the Roman world would act in a way to protect their honor, we cover a broader range of behaviors, and can tailor them more specifically to trade, when we consider the reputation of merchants, rather than honor alone.

394 This is not possible, for example, for shame, which carries, especially in Mediterranean contexts, a heavily sexualized connotation that is not appropriate in (most) merchant contexts. To constrain the issue to “merchant shame” would be to lose the majority of its force, which is not desirable, particularly, as we will see, in the case of female merchants, for whom shame often cut both ways.
Like honor, reputation has been accepted as an essential value in Mediterranean society, and it is increasingly recognized as a vital element in the institutional environment of the Roman economy. As this chapter will demonstrate, reputation was important among Roman merchants in particular, and in Roman society as generally understood. Reputation, as a category, contains a number of characteristics under its umbrella, including honor, shame, trust, as well as, importantly for merchants, honesty, fairness, and the lack of avarice, sometimes stretching to generosity. In this chapter, and those that follow, reputation will be defined as the opinion, or collection of opinions, held about an individual's character or behavior based on available information, derived from a variety of potential sources.

As an institution, informal or otherwise, reputation is socially contingent, in that, while we might say that an individual “has” a reputation, his or her hold on it is tenuous. In fact, it may require substantial effort on his or her part to ascertain even what that reputation is. One can be taken by surprise to discover that one’s reputation is better or worse than anticipated, and, ultimately, reputation is a commodity “stored” outside of the person who owns it. It resides in the judgment of his or her acquaintances and in the even larger sphere of individuals who know of the person but are not known by him or her. One’s reputation spreads further the more famous, or notorious, one is, and individuals

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396 This definition follows Sharman, “Rationalist and Constructivist Perspectives on Reputation”; Grey, *Constructing Communities in the Late Roman Countryside.* and, to different extents, those of Craik, *Reputation;* Bromley, *Reputation, Image and Impression Management.* Contrasted with the definition of reputation as a “collective phenomenon” that is not attached to a single person, proposed by Emler, “A Social Psychology of Reputation,” 171.


398 Craik, *Reputation,* chap. 3.
may receive information second or third hand, even without any personal interaction with the reputed.

A direct consequence of this is that varying levels of acquaintance and information imbalances will commonly, if not necessarily, lead to multiple reputations existing for the same person at the same time. Those with more or less information about the individual in question may hold that his or her reputation is slightly, or even widely, different from another person’s assessment. In the case of overlapping communities, an individual may have multiple reputations in different social circles or geographic contexts. In these various settings, the deciding factor in the final shape of a reputation may not only be differing information, but also be differing evaluations of that information. After all, as with all “opinions,” there is a substantial element of judgment attached to reputation, as what is “known” about an individual takes on a different cast depending on the receiver, and, at a later stage, the transmitter, of the subjective “facts” of reputation.399

Thus, it is vital that we bear in mind the fact that reputation is as much about audience and reception as it is about the actual character and behavior of an individual. In this chapter, we will look from the merchant perspective out to their audience, looking first at the ways merchants attempted to shape their reputations, the way they were perceived, and ultimately, the role they played in their communities. In the following chapters, we will turn to this reception and consider how the merchant’s society acted,

399 Bromley, Reputation, Image and Impression Management, 3–5.
viewed, and interpreted the actions, appearance, and, importantly, the talk that circulated about the individual.

Within an economic, and in this case professional, context, the institutional limits of reputation are enforced by gossip, which will be central to the final chapter of this dissertation. However, for the present, it is vital to bear in mind one core feature that is particular to professional reputations: they operate to clarify economic choices by serving as a proxy for concrete data about the best economic action to take, particularly in the form of the correct choice of business partner. In cases where an actor has little or no personal experience with a new trading partner, the general reputation of that individual will be vital for determining whether the actor will choose to interact with that partner, and under what conditions. Thus, the cultivation of a good reputation was an investment on the part of a merchant, one that was likely to produce returns, at least in the long run, as reputations are notoriously slow to build. It was also an incentive to avoid certain kinds of profitable cheating, even when a merchant was unlikely to be discovered. It was a serious thing to risk one’s reputation, which was built over years and could be destroyed by one ill-considered action, or, worse, by a single, malicious rumor.

**Accessing Roman Reputation:**

Since this section of the dissertation largely leaves the perspective of the state to the side, except in so far as it was a participant in informal institutions, the sources for this chapter and those following necessarily become more diverse across time, genre, and

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401 Sharman, “Rationalist and Constructivist Perspectives on Reputation,” 28. “Reputation may be most important when objective information on an actor’s past behavior is scarce or absent.”
context. Law generally becomes less useful in these chapters and is replaced with anecdotal scenes drawn from novels or religious texts, epigraphic and papyrological documents from private contexts, as well as images and archaeological sites. As ever, these classes of evidence present challenges, but it will be the purpose of these chapters to demonstrate that, despite their variety, these sources can be assembled to illuminate patterns of behavior and strategies that are consistent with the challenges merchants faced in making their social and economic choices.

In this and the subsequent chapters, it will be essential to use our source material in such a way that it generates a set of plausible options that Roman merchants may have had before them. This is critical given the fragmentary nature of most of the sources that are produced by merchants, and the fact that most of the longer narratives we have about merchants come to us from literary sources, and often novels, where the line between fantasy and reality is difficult to tease out and comedic elements often make it difficult to know when an author intends the reader to recognize something as unreality, or merely as hyperbole. Fergus Millar has argued persuasively that these fantastical narratives, and in particular Apuleius’ Metamorphoses, only thinly veil real social structures and details about the Roman world, as part of the contract with the reader to help him suspend his disbelief of the remarkable and outrageous plot points.\textsuperscript{402} Getting access to this layer of reality is challenging, but in most cases a set of texts, put into conversation with one another can reveal instances where non-literary texts inform our reading of literary ones, and vice-versa. Further, we may consider moments when merchant express their own

\textsuperscript{402} Millar, “The World of the Golden Ass.” See also: Verboven, “A Funny Thing Happened on My Way to the Market: Reading Petronius to Write Economic History.”
anxiety about their behavior and its reception. Through their worry, we can see moments where they felt their actions pushed against barriers that we can no longer see. Together, they enable us to develop a set of plausible scenarios and generate hints as to how merchants and others reacted to particular sets of circumstances.

The other major challenge we face with the main sources of merchant reputation is the high preponderance of funerary evidence. In the context of the study of merchant reputation, there are three main problems with funerary inscriptions and art. First, while these are invaluable attestations about the lives and experiences of merchants, the wider audience for these objects is unclear. The loss of archaeological context for many merchant inscriptions and reliefs is keenly felt here, but there is also evidence internal to some of the objects that suggests a private, or semi-private context,\textsuperscript{403} where the only viewers were likely to be those who had known the deceased personally. These friends and family members would not necessarily be the ones most influenced by the claims these objects make about reputation, as their own opinions were likely to be the most fixed, supported by first-hand experiences. Accordingly, these objects complicate our natural impulse to assume that, when the deceased made claims about his or her reputation in an inscription or relief, that object was meant to propagate that message to an audience whose opinion could be swayed.

Next, we have the second, and interrelated, problem. It is frequently impossible to say whether a merchant's business, his or her trading partners, store or workshop, were

\textsuperscript{403} While funerary monuments are often placed along roadways and at times major thoroughfares, burial structures are regularly erected with varying degrees of access. Thus, an inscription might be visible to the passerby, while the imagery of a sarcophagus could be concealed within an interior space that would only be accessible to family or close personal friends. These different kinds and sizes of audience matter for our understanding of who received the information about reputation that these objects project and how they interpreted it.
inherited and operated by the succeeding generations of his or her family, or by an apprentice. There has been a scholarly impulse to assume that some merchants hoped that the erection of inscriptions or monuments would benefit the reputations of their successors, but, while this is common sense, we often lack further evidence to corroborate this assumption. There is limited amount of evidence to support the idea that sons were in the habit of taking up the trades of their fathers, but we rarely, if ever, see a business as an entity clearly transmitted from one generation to the next. Family businesses seem to be common, with wives frequently assisting their husbands in work, and presumably children helped as well, but it is not possible to see a family name used metonymically for a business, or to see that name put to use by successive generations or purchased to offer new owners the reputation of the old. Thus, it is unclear if, or when, the reputation of a merchant served to benefit those he or she had left behind. As a result, we are left to question why so many merchants put substantial effort into crafting their posthumous reputation, and why they did so particularly in terms of their business or profession.

Third and finally, the potential heirs to these businesses are also often the people who would have commissioned the funerary objects we now have. While some

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404 Toner, Popular Culture in Ancient Rome, 15, “some of the poor may have aspired to longer-term dynastic ambitions, as is seen in some gravestones of freedmen marking their success for perpetuity.”


406 There is also some evidence to suggest that fathers sometimes arranged for their sons to be trained in fields other than their own, normally for reasons of social advancement: see Hawkins, Roman Artisans and the Urban Economy, 200.; Petronius, Satyricon, 46, Lucian, The Dream, or Lucian’s Career, 2.

407 The only possible example is that of Aulus Umbricius Scaurus, a manufacturer of fish sauce from Pompeii, his name seems to become synonymous with good garum and it is used by a small army of freedmen, retailers, and others at the end of the 1st century CE. See chapter six for a full discussion.

408 This impulse is, of course, not exclusive to merchants in the Roman world. Including elements of (auto)biography into funerary art or inscriptions was a habit that is found at all levels of Roman society. We are as likely to find politicians and priests recording their res gestae as we are to find shoemakers.
merchants certainly commissioned and designed their monuments and epitaphs while they lived,\textsuperscript{409} others left this task to their family, friends, or even their freedmen. It is not always possible to say who commissioned an object, and in many further cases it is impossible to intuit the motivation that drove the commissioner. We often struggle to tease out the emotions that lay behind the construction of a monument and to know how the experience of grieving inflected the decisions that were made.\textsuperscript{410} Furthermore, the reputation of the commissioner is implicated in such an undertaking, as their choice of inscription or design relates information about their own character. Setting up funerary markers on behalf of relations, friends, or former masters was a display of the commissioner’s \textit{pietas}, and it is often unclear to what extent comments about a merchant’s business provided Roman readers with some information about the commissioner, rather than merely the deceased. These objects always constituted an interconnected collection of strategies, not least of which were the practical results of commemoration: the presentation of family groups and status, as well as the curation of memory and reputation.\textsuperscript{411}

Posthumous reputation is under-theorized, particularly in contrast to the study of reputation more generally.\textsuperscript{412} In philosophical terms, it is believed that the desire to craft one’s posthumous reputation is based on a desire to demonstrate that one’s life had meaning and value. The fear that life might, ultimately, be an exercise in futility and

\textsuperscript{409} As in Petronius, \textit{Satyricon}, 71.
\textsuperscript{410} Hope and Huskinson, \textit{Memory and Mourning}, chap. 10.
\textsuperscript{411} There is an extensive bibliography on funerary monuments, as well as the emotions that motivated their construction: Carroll, \textit{Spirits of the Dead}; Meyer, “Explaining the Epigraphic Habit in the Roman Empire”; Mueller, “Single Women in the Roman Funerary Inscriptions.”
\textsuperscript{412} See, for example, the brief comments of Bromley, \textit{Reputation, Image and Impression Management}, 48, which effectively summarizes the thinness of scholarship on this issue.
absurdity is combated by efforts to shape how one will be remembered, and for how long, after death.\footnote{Scarre, “On Caring About One’s Posthumous Reputation”; Luper, “Posthumous Harm.”} The parameters for what constituted a meaningful and worthwhile life were socially constructed, not to mention contested. As we will see below, many who lived lives that, from the outside or from elite perspectives, would have been viewed as lowly or meaningless, if not actually detriments to society as a whole,\footnote{See, especially, the discussion of Vibia Chresta, below.} took great pride in their achievements. For merchants in the Roman Empire, the claims made by funerary art and inscriptions about the importance of work in their lives were both personal and social. To represent one’s profession was a means of demonstrating something of importance about one’s character that would, hopefully, live on and prove one’s value. It added to the body of data constituting one’s reputation, but also made a statement about the value of work to the community as a whole and the position that work should have in society.\footnote{Scarre, “On Caring About One’s Posthumous Reputation,” 217. provides a list of features that can be used to demonstrate the value of a life. Many appear, albeit in some modified form, in the merchant funerary inscriptions discussed in this chapter. His list includes: “virtues and excellences…or admirable kinds of skill,” “a positive impact…on the welfare of human…beings;” He also mentions the likelihood that there will also be a moral component to a life of value.}

More concretely, Kenneth Craik argues that posthumous reputation, and the desire to shape it, arises from the knowledge that, post mortem, many of the social norms regulating gossip, the discussion of an individual behind his or her back,\footnote{A concept discussed more fully in chapter six, with a more comprehensive definition. This working definition is based on Wickham, “Gossip and Resistance among the Medieval Peasantry.” and is consistent with Grey, Constructing Communities in the Late Roman Countryside; Sabini and Silver, Moralities of Everyday Life; Gluckman, “Gossip and Scandal”; Haviland, Gossip, Reputation, and Knowledge in Zinacantan. Gossip is here primarily a value-neutral mechanism for spreading information.} are relaxed, leading to open discussion of the deceased in a broad range of contexts. While those who had known the deceased in life might restrain their discussion out of respect for living
family and close friends, others will rapidly spread information about the deceased that was previously withheld due to its negative, or even scandalous, nature. An individual, anticipating this rapid revaluation of his or her life and concerned for the impact upon surviving family and friends, might act to curate the evidence by which he or she would be remembered.

At the highest levels of Roman society, this curation was done through the select publication of letters or other works, the destruction of manuscripts, and the active discussion of one’s legacy. However, all levels in Roman society invested time and energy in funerary art and inscriptions. The overblown, but perhaps telling, example of Petronius’ Trimalchio suggests that the composition of funerary inscriptions may have been a long, and even semi-public process for some, while others carefully selected what they would say for themselves from a set of socially acceptable claims, and still others left these choices in the hands of others. Certainly, some of our inscriptions seem to fit within standard, brief, formulae, while others, such as the long verse inscription of Lucius Nerusius Mithres, discussed below, were clearly the result of someone’s creativity and prolonged thought. Essentially, funerary monuments were designed to fit the needs of their commissioner, whoever that may have been, and particularly, as we will see, they strive to present the character of the deceased and spread his or her reputation.

However, it is difficult to tease out the connections between the strategies used by merchants to shape their reputations upon their deaths and those which they used

417 Cicero, see: Bishop, “Greek Scholarship and Interpretation in the Works of Cicero,” chap. 4. as well as comparable examples in Pliny the Younger, Virgil, Horace, Odes 3.30
419 Mayer, *The Ancient Middle Classes*, 2012, 100. states that many funerary inscriptions, “reflected a personal choice from a rich repertoire of widely available formulae.”
420 CIL IX 4796
regularly in life. The latter are vital for understanding the institutional force of reputation, but are, on the whole, less frequently attested and less clearly presented. This is a direct consequence of the kinds of media merchants produced and the circumstances in which it was socially acceptable for an individual to proclaim his or her own virtues, but it leaves an additional hurdle to be overcome. In order to bridge the gap, and to view our evidence outside the boundaries of single lifetimes, two further theoretical frameworks will be utilized along with that provided by NIE.

The first will be an adapted form of the theory of what Henri Lefebvre calls “representational space.” This theory exists at the intersection of space and memory, encapsulating how space is experienced as a “lived” reality, through its association with forms of meaning, importantly including reputation. Second, the lens offered to us by scholars of popular culture will be applied, which gives us access to some of the oral cultures of the Roman Empire, as well as new means of reading the extant written sources.

“Representational space,” is one of three conceptions of space that Lefebvre identifies in *The Production of Space*. In his view, there is, first, “spatial practice,” or perceived space, which he relates to space in the context of social class and systems of power. Second, he understands there to be “representations of space,” or conceived space, which he defines as effectively equivalent to mathematical space, which exists in the abstract and has bearing on reality only in so far as it is the basis of construction and, to an extent, mapping. Finally, he has defined “representational space,” or lived space. This is space as it interacts with human imagination, a force that overlays physical space
and creates “more or less coherent systems of non-verbal signs and symbols.” As he notes, these visions of space reinforce and complement each other, but it is in the latter that this chapter finds a theoretical direction.

As we have discussed in previous chapters, this work is interested in the local and small-scale trader. Theories of space aid our understanding of how places affect the lives of those who lived and worked in them. Just as we have examined and will continue to examine the impact of face-to-face interactions, we must set those interactions into a landscape and understand how it was experienced by merchants. The landscape, whether urban or rural, is created by the society, which physically builds its landmarks, paths, and points of rest. In time, associations with these particular spaces take on the power to shape human action, forcing not only physical movement to obey its confines (i.e. where one can turn left) but also social movement (i.e. where two people can conduct business).

By using Lefebvre’s conception of representational space, we can understand that those constraints are communicated to individuals through symbols and, at times, labels, that are read or heard, understood, and communicated to others through everyday discourse. Thus, it is clear to the community in question what “a” (or “the”) “market” signifies. The word has not only a definition, but also a clear point of reference, so that it is possible to consistently identify a market when one is experiencing it through sight, sound, or other sensory inputs. Furthermore, there are social implications, not only to the space itself, but also in the ability to interpret the symbols that denote that space’s limits.

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421 Lefebvre, The Production of Space, 38–39.
422 Lefebvre, 74.
423 Lefebvre, 16.
Some individuals will be more adept at this interpretation, while others, either because of class or relationship to the community, may be less able to read the symbols and divine their meaning correctly. Finally, those signs can provide instructions for proper behavior and conduct, clarifying what is permitted and where, as well as highlighting cases where those social constraints are still under negotiation.

Representational space provides us with tools to read landscapes in multiple layers, moving beyond the physical characteristics of the space and delving into the meanings that a society attached to it, and was subsequently shaped by. This theory, however, requires slight adaptation for the purposes of this chapter because, while it recognizes the role that time may play in the process of overlaying these meanings, it does not address, precisely, the value of memory and history in space. This appears, however, in the work of several scholars who are also interested in the role of space in social interaction. Michel de Certeau, for example, has a similar understanding of the existence of something like “representational space.” For him, labels on places create ideas of place that then become points to which specific meanings and values can be attached. These can be read and interpreted only by those who have access to the keys of understanding, which he calls “local authority.”

De Certeau’s “places” reveal an ambiguity in the language surrounding this topic. Space, place, and landscape are all terms that are used in this discourse, with a variety of

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424 Lefebvre, 26–27.
425 Thus, the graffiti of Pompeii advertising where individuals have defecated (e.g. CIL IV 3146, SECUNDUS/ HICACAT...HIC...HIC CACAT). Relieving oneself in public was not socially acceptable, thus the public claim of having contravened that rule was an act of subverting a cultural norm and offering a challenge. What, after all, could anyone really do about it after the fact?
426 de Certeau, The Practice of Everyday Life, 104.
427 de Certeau, 106.
meanings and inflections. Most particularly, there is significant dispute over the correct definition of “space” and “place,” mostly concerning which is the general and which is the specific. Lefebvre uses “space” in both senses but tends to assume that “space” or “a space” is the specific, while “place” is more general. More commonly, as is the case for de Certeau and Yi-Fu Tuan, the reverse is understood, that “space” is general, and “place” is specific.\footnote{Tuan, \textit{Space and Place}, 73. “when space feels thoroughly familiar, it has become place.” de Certeau, \textit{The Practice of Everyday Life}; Tilley, \textit{A Phenomenology of Landscape}.} In what follows, I will use the terms interchangeably, as in this setting it will be more vital to identify what the space/place is, and to understand its layers of meaning, than to have a hierarchy of terms. I will use landscape, as above, to describe the general backdrop against and in which merchants operated, with the understanding that that backdrop is filled with spaces, or places, that populate the area and inflect it with meaning for those who have the ability to read it.

In line with this, de Certeau’s “local authority” dovetails nicely with a trend we will see in the Roman experience: that it is at the local level, and in everyday experience, that places and spaces take on meaning, and it is by locals that those meanings can be interpreted. Outsiders frequently fail to understand the significance of spaces in the Roman world, and understanding can function as a kind of litmus test to identify those who belong in the community. An illuminating example comes from Dio Chrysostom, who, though reporting his own benefaction to a community, a substantial portico in the city of Prusa,\footnote{See Dio Chrysostom, \textit{Orationes}, 47.17, 19-20.} displays his status as an outsider to the local, daily practices of that neighborhood. Dio recounts that “some people” were complaining about the destruction of τὸ χαλκεῖον τὸ τοῦ ἐνος, the blacksmith shop of “so-and-so,” an artisan who receives
no further identification. Dio speaks derisively, claiming that these voices of dissent were few, though loud, and he mocks their reasoning, that the destruction of the smith's place of work was a destruction of a place of memory for the community, the site of happy events that ought to be preserved, εἰ μὴ μενεῖ ταῦτα τὰ ύπομνήματα τῆς παλαιᾶς εὐδαιμονίας. He continues jokingly, that it is not as if he were tearing down the Propylaea or the Parthenon of Athens, and refuses to acknowledge the value, or memorial status, of a blacksmith’s shop. He does not accept that the place has meaning, in large part because, as an elite, he would not have had access to those meanings.

Similarly, scholars of space understand and define those meanings as being inextricably bound to memory. Tuan notes, in particular, that many, if not most, places acquire both meaning and memory slowly, from habitual practices and everyday associations, rather than from single, momentous occasions, much like the slow development of a person’s reputation. The symbols attached to representational space are acquired gradually, rather than being constructed all at once. Memory also has another vital component in representational space: it can create, or more properly recreate, spaces that no longer exist, allowing levels of understanding to morph into levels of local knowledge. Thus life-long inhabitants of a place can express relationships between places by landmarks that no longer exist (i.e. turn left at the corner where the store used to be), which not only expresses their relationship with the place, but can also be a tool used against outsiders or those who would presume to claim that they have local knowledge. De Certeau describes these same kinds of representational spaces as

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430 Dio Chrysostom, *Orationes*, 40.8-9, the same smithy is mentioned at 47.11.
432 Tuan, *Space and Place*, 33, 143.
palimpsests of memory and space.\textsuperscript{433} He notes that locals tend to recognize that these layers of meaning have value only within a short distance from the place, but Ingold and Vergunst have expanded the thought, describing how they can nevertheless be leveraged as a sign of belonging to a community.\textsuperscript{434}

For reputation, and particularly for posthumous reputation, the memory of non-longer-extant spaces provides reputation with, potentially, a long afterlife in the minds of locals. Representational spaces can be particularly effective tools for merchants to prolong the memory of their lives. As we will see in this chapter, merchants commonly refer to the places they worked, generally with an implication of pride, not only in the work itself, but in the space. Some even boast of continuity with particular spots, and their general tone hints that, above all else, these named places functioned as proof for merchants. If one doubted the claims being made about a merchant’s reputation, it was possible to go to the spot he named and ask around. It was expected that someone at that spot would remember the merchant and could offer the testimony that would vindicate him.\textsuperscript{435}

Finally, these representational spaces provided a shorthand for social interaction that transcended immediate localities. Certain regions of the Roman world and neighborhoods in Roman communities carried reputations of their own, which we access

\textsuperscript{433} de Certeau, \textit{The Practice of Everyday Life}, 107–9.
\textsuperscript{434} Vergunst and Ingold, \textit{Ways of Walking}, 95. describe particularly how shared and common spaces perform the function of group building and note (p. 17) that this can be connected to memory.
\textsuperscript{435} This is complicated, however, by the fact that many of the funerary markers themselves would have been originally erected outside of the community itself, along roadsides. For mobile merchants, this may have meant that they were more likely to encounter the markers of merchants they knew through their profession, but it had the consequence of displaying the reputation of a deceased merchant away from the area where they had spent most of their working lives. An exception may be Onesimus, discussed below, who worked on the Appian Way. We do not know where his funerary inscription was displayed, but he was likely to have sold his wares near to numerous funerary monuments along that roadway.
today through lingering toponyms and the occasional references to places as having particular characters. Though significantly earlier than most of our source material, a concrete example of how this might have been felt by merchants appears in a passage in Plautus’ *Curculio* recounts how different parts of the city are filled with men of different characters. The Choregus gives a comedic list of places and people, good and bad, but prominent on the list are merchants, who are associated with particular areas. The account places most merchants in the Velabrum, near the Forum Boarium, but specifically mentions that the moneylenders operating behind the temple of Castor who should not be trusted. His implication is that they are all cheats, a topic to which we will return in the next chapter. However, the Choregus rattles off this list casually, to pass the time, which means that these associations were immediately obvious to him, and to the audience. If this knowledge was so commonplace as to be a point of comedic connection, it is logical to assume that a merchant’s reputation could be harmed by association with the wrong space and its defining, negative meanings.

The second tool, the theoretical models surrounding the study of popular culture, offers us a different angle of approach to access the communities that surrounded merchants and to better understand the kinds of “common knowledge” that shaped their perceptions of themselves, their reputations, and their position within their communities.

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436 For a list of professional toponyms See MacMullen, *Roman Social Relations* Appendix A2. and CIL 15.7172. These places, streets, neighborhoods and landmarks, and even non-commercial locations, were all identified by the tradesmen either living or working (or both) the area.  
437 Plautus, *Curculio*, 483-4 (Act 4.1), in Velabro vel pistorem vel lanium vel haruspicem/ vel qui ipsi vorsant vel qui alius ubi vorsentur praebant. In the Velabrum, you’ll find the baker, or butcher, or soothsayer; either those who sell retail themselves, or supply to others things to be sold by retail.  
438 Plautus *Curcurilo*, 481 (Act 4.1), “Behind the Temple of Castor there are those to whom unguardedly you may be lending to your cost.” *pone aedem Castoris, ibi sunt subito quibus credas male*. Trust was particularly essential in lending and borrowing. Credit in the Roman world was extended or denied (or withdrawn) based on the trustworthiness of the borrower. See: Lo Cascio, *Credito e moneta nel mondo romano: atti degli Incontri capresi di storia dell’economia antica : Capri, 12-14 ottobre 2000*. 
Popular culture as a conceptual tool has two major benefits to the present study: first, that it automatically privileges and focuses our vision upon non-elite perspectives and, second, it provides us with the means to apply untypical and generically complex sources to the study of merchants without forcing them into service as socio-economic data, but rather retaining their original valence as textual or visual products of a largely oral culture.

Scholarship has grown in recent years and has developed a model for interpreting the cultural setting of non-elite people. The work has pushed boundaries in a number of directions, interweaving itself into debates about power and dominance, including popular resistance to authority, and the ways in which “mass” culture might serve as a dialectical partner for elite cultural forms. It has even become commonplace to consider how popular culture might serve as a central nexus for the exchange of ideas across religions, ethnic boundaries, and geographical divides. Rightly, the field recognizes that popular culture was hardly a static, fixed entity, but one that evolved dynamically and sporadically, and maintained exclusive pockets with their own, internal cultures that were both inside of and removed from the general population. Yet, in its capacity as a common cultural language, and one in which fluency was rewarded, popular culture can be

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439 While scholars of popular culture recognize their debts to Marxist scholarship and its concerns with the class implications of popular culture, they now largely distance themselves from these origins and identify themselves as cultural historians. See Grig, *Popular Culture in the Ancient World*, 3–9. “Non-Elite” is a complicated category and one that is not a strict binary with an “elite” population. Merchants who could afford some means of permanent commemoration already had access to a relatively high level of financial resources. Many others would not have been able to display their reputation in this way and would have used other means to display their achievements. Some effort has been made to access this population in chapter five, in the analysis of the coactilari of Verecundus’ workshop in Pompeii.

440 Gossip and awareness of important events, cultural competency, punning and other joking, all combined to produce an individual who understood the code of the society in question.
utilized to speak about the frame of reference that a majority of the populace held and used to communicate to one another.

For this study, it is of central importance that merchants were, at least in the main, non-elite persons. While some might be financially or socially successful, they did not have access to elite, and especially senatorial society. Furthermore, they were criticized for their efforts to participate in the cultural forms that were adopted by that portion of the population. Their relegation to non-elite status by Roman society is a matter more fully covered in the next chapter when we address stereotypes, but here it is vital that merchants operated among peers who were participants in and generators of popular cultural forms. Thus, they themselves created, added to, altered, and influenced what was considered popular culture, and their values, concerns, and principles are diffused throughout the various sources this culture produced. Though it is, at times, hard to trace as an overarching concept in merchant sources, which are, primarily, focused on the reputation of the individual, not as a socio-cultural value, we see reputation plainly in

441 Figures like Scaurus, discussed in chapter six, were clearly holders of substantial wealth, and succeeded in promoting subsequent generations of his family into political prominence. This was not untypical, and, as ever, our evidence is biased toward wealthier examples, who were able to purchase lasting testiments to their reputations.

442 Trimalchio forms a clear example of the mockery that might be directed at those who made profits from trade. Accusations of having ancestors who were tradesmen was a common line of attack in Roman culture and is prominent in the late Republic and early Empire (e.g. Suetonius, *Vita Divi Augusti*, 4.2, *Verum idem Antonius, despiciens etiam maternam Augusti originem, proavum eius Afri generis fuisse et modo unguentarium tabernam modo pistrinum Ariciae exercuisse obicit. Cassius quidem Parmensis quadam epistula non tantum ut pistoris, sed etiam ut nummulari nepotem sic taxat Augustum: "Materna tibi farina est ex crudissimo Ariciae pistrino; hanc finxit manibus collybo decoloratis Nerulonensis mensarius." But Antonius, trying to disparage the maternal ancestors of Augustus, teased him with having a great-grandfather of African birth, who kept first a perfumery shop and then a bakery at Aricia. Cassius of Parma also taunts Augustus with being the grandson both of a baker and of a money-changer, saying in one of his letters: "Your mother was raised by a crude Arician baker; a Nerulian money-changer kneaded with hands stained with filthy wealth.")

443 It is also dealt with fully by Bond, *Trade and Taboo*: Bond, “Altering Infamy: Status, Violence, and Civic Exclusion in Late Antiquity.”
popular culture, acting as an institutional limit in the way NIE predicts, encouraging individuals to behave in some ways and to avoid others, especially in economic activities.

While reputation and its importance can be found in sources produced by elite individuals, in popular culture these sources commonly take on a more economic bent, rather than conceiving of reputation essentially as a means to secure personal fame and a place in the annals of history. This aspiration was not necessarily beyond the rest of Roman society, though scholarship still debates whether or not non-elites were primarily copying their elite peers when they made such claims. Regardless, in general, popular culture’s conceptions of reputation tend to prioritize the immediate, practical benefits of being thought well of by one’s peers and in one’s community during one’s lifetime.

Finally, popular culture can be utilized as an effective organizing principle for addressing several categories of evidence that otherwise, through their media, extent over time and space, and, above all, their social and cultural status, would be challenging to reconcile or interpret. Graffiti, the writings of various “pseudo” authors, popular sayings, references to and excerpts from songs, and even Greek and Roman novels have all fallen, at one point or another, into the category of “popular” cultural productions. These sources can be immensely useful to the study of merchants but are difficult to put into dialogue with one another without the framework of popular culture. Most particularly, as we will see in this chapter, the sources of popular culture allow us to span large gaps in chronological or geographical space to find moments of continuity of thought. Popular sources are replete with phrasings and re-phrasings of thoughts that were pervasive in

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Roman culture, but which we struggle to understand as widespread based on the attestation of a single account. In looking at reputation, we can see that it remained an essential cultural value with institutional power across the Empire and across the centuries. Through the media of popular culture, it is possible to trace reputation and to assert its importance in Roman culture and as a practical tool of Roman merchants.

**Roman Reputation:**

Among the other informal institutions that gave structure to the Roman economy, reputation stands out as a particularly powerful determinant of merchant behavior, not only because of its universality and applicability to people at all levels of wealth and status, but also because it was an acknowledged part of merchant life. Traders knew the importance of their reputations as they related to their businesses. Individual merchants, several of whom will be discussed in this chapter, openly state how their reputation helped their work, and expressed their hope that those reputations would remain positive for a long time, if not forever. Yet the same preoccupation with reputation that is visible in particular cases is also available in the abstract, through the lens of popular culture, where reputation also loomed large.

Within this class of evidence come several essential figures, who allow us to contextualize the claims of our merchants within a broader social framework. One prominent figure is that of Publilius Syrus,\(^{445}\) the author of a collection of late Republican *Sententiae*. His pithy statements are eminently quotable, the sort of material that would

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\(^{445}\) Often, in older texts, rendered incorrectly as “Publius” Syrus. Syrus was probably from Syria, given his name, and was taken to Rome as a slave, where, after his emancipation, he was known to have been a performer of mimes. The story of his arrival in Rome is told by Pliny the Elder, *NH*, XXXV.58. Cicero, *Ad Fam.*, XII.18.2 refers to Publilius’ performances.
have easily circulated orally as well as in written form, and the collection contains numerous references to the importance, and financial benefits, of a good reputation.

*Bona opinio hominum tutior pecunia est.*

The good opinion of men is safer than money.

*Honestus rumor alterum est patrimonium.*

A good reputation is a second inheritance.

These examples present a good reputation as directly comparable to money, and, in the former case, claim that a good reputation is, in fact, preferable, due to its being “safer,” *tutior.* Other passages suggest the practical utility of a good name, suggesting its assistance in getting credit, *fides,* was essential.

Further, these sayings claim that the loss of a good reputation was a truly unenviable position. In all cases, reputation, whether presented as *fama, opinio, rumor,* or, occasionally, “speaking or hearing good or bad things,” *benemale dicerelaudire,* is connected to economic consequences that cannot be ignored, or are only ignored at great risk.

As a late Republican source, the circulation and longevity of these *Sententiae* is immediately important for this project. Yet, our evidence does not suggest that they moldered away in obscurity. Performances of Syrus’ mimes seem to have continued until the reign of Nero, and references to Publilius, or imitations of his style, appear in

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446 Publilius Syrus, *Sententiae,* 75.
448 Publilius Syrus, *Sententiae,* 209 *fides qui perdit nihil pote ultra perdere.* He who loses trust can lose nothing more.
449 Publilius Syrus, *Sententiae,* 572 *quem fama semel oppressit vix restitutur.* It is barely possible to restore someone whom reputation has once put down.
450 The inscriptions addressed in this chapter are predominantly Latin texts, though the equivalent is found in the Greek world, where reputation is primarily expressed as δόξα or, similar to the Latin, καλός ἀκούειν.
Seneca the Elder, Petronius, and Aulus Gellius, who cites 14 examples of how quotable and memorable Publilian Sententiae were.\textsuperscript{452}

The continued circulation of these lines in the 2nd century CE is not necessarily surprising, as they seem to have been part of an extensive and growing corpus of Sententiae. These are commonly attributed to “Pseudo-Publilius,” and are joined, in the manuscript tradition, with similar sayings of “Pseudo-Seneca,” as well as, in the Middle Ages, excerpts from Seneca, Ausonius, and Lactantius.\textsuperscript{453} These later collections continued to circulate similar passages about reputation, including:

\begin{quote}
Honesta fama melior pecunia est.\textsuperscript{454}
\end{quote}

A good reputation is better than money.

It is impossible to date this Pseudo-Publilian material, but it finds echoes both prior to, and well-beyond, the Republican period. Similar thoughts appear in disconnected corpora, including the book of Proverbs,\textsuperscript{455} and the 3rd or 4th century CE collection known as the Disticha Catonis, a popular school book that was in continuous use through late antiquity and the Middle Ages.\textsuperscript{456} Unlike Syrus, the Disticha were paired hexameter lines, and allowed for slightly more elaborate sayings, but they retained an interest in the intersection of reputation and commerce. Most have a moral tone that,

\begin{quote}
Honesta fama melior pecunia est.\textsuperscript{454}
\end{quote}

A good reputation is better than money.

\begin{quote}
Melius est nomen bonum quam divitiae multae.\textsuperscript{455}
\end{quote}

A good name is better than great riches.
while not absent in the *Sententiae*, was nevertheless underdeveloped in Syrus’ brief observations. A typical example may be taken to illustrate:

*Luxuriam fugito simul et vitare momento*

*Crimen avaritiae, nam sunt contraria famae.*

Avoid luxury and likewise remember to shun the crime of greed, for they are contrary to a (good) reputation.

These moral concerns were central to the social and economic lives of merchants. It was vital to them that they have, or present themselves as having, an honest life, free from crime or other failings. Once again, greed looms large among the worries about reputation, and it appears in several other examples. In the next chapter, we will address more particularly why merchants were defensive about these issues but, in this setting, we will examine a number of cases that suggest that this backdrop of concern about the role of reputation in commerce during the later Roman Empire led merchants to invest heavily in their reputations, even after death.

**Merchant Agency in (Posthumous) Reputation:**

The onus fell on merchants to discover, individually, what they could do to achieve a reputation for honesty, fairness, and other, necessary virtues. As we have mentioned, much of a merchant’s reputation lay outside of his or her control, influenced by others and their perspectives. Nevertheless, merchants held some ability to shape their reputations, and did so, in the main, by carefully regulating their behavior in business and public life. A merchant’s choices in a given situation provided him with opportunities to

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457 As in Publilius Syrus, *Sententiae*, 527 *Perdidisse ad assem mallem quam accepisse turpiter*. I would prefer to lose my last penny than profit dishonorably.

458 *Disticha Catonis*, 2.19.

459 *Disticha Catonis*, 1.29, 4.4
create anecdotal evidence about his character and exemplify how he lived the reputation that he had earned or aspired to. These stories circulated, spreading accounts about his actions, with or without embellishment, and with them came judgments about intentions and efficacy that eventually generated a reputation. Judgments, however, had the potential to cut both ways, depending on the receiver, and merchants inevitably struggled to shape the reputation that their actions created in the community around them. While that reception will, to greater or less extents, be the subject of the next two chapters, in this section we will look at evidence produced by merchants themselves as testimony for what they thought, and wanted others to think, about themselves.

Since this body of evidence is heavily skewed in favor of monuments and inscriptions, it will make sense to begin with some of these attestations. Many of the issues that this chapter will address are visible in a pair of related objects: the sarcophagus and *loculusplatte* of the wool-worker, Titus Aelius Evangelus. Both objects combine image with epigraphy and describe the life, and particularly the working life, of this merchant, as well as the funerary arrangements he made for himself and his family.

As is often the case with these objects, both pieces now lack any archaeological context. This is all the more challenging in this case, since these are two funerary reliefs, which must have come from different contexts, but both clearly relate to the same merchant. As he cannot have been interred twice, having an excavated context would explain a good deal about when and how Evangelus was put to rest. The front panel of the sarcophagus, all that now survives since the loss of its side panels, is now in the Getty collection, while the *loculusplatte*, a relief that once covered a niche for a funerary urn, is
now in the collection of the Mediterranean Museum (Medelhavsmuseet) in Stockholm.\textsuperscript{460} The pair are likely to be Antonine in date, and their style is consistent with Italy in that period.\textsuperscript{461}

The sarcophagus panel [Fig.1], chronologically the first of the objects based on the inscriptions, depicts Evangelus, a man with portrait features, reclining on a couch. He is dressed in a short-sleeved tunic and mantle and holds a cup in his left hand, signifying his resting at banquet, while he holds grapes in his right that he offers to a pet rooster. He is surrounded by images alluding to his profession as a wool-worker and a collection of symbols that signify his place in a peaceful afterlife. Tools of the wool trade appear to the right of his couch, a scale and what is probably a weight, and the scene is bookended by two seated figures working with wool at different stages of production. The figure to the left is an older man who sits combing the wool. The figure at the right, a younger man, rolls spun yarn into balls, ready for sale. Behind Evangelus’ head is a small scene which seems to consist of a worker, leading a resisting horse through an archway, who turns to look to the right at a dancing man and a woman who waves at the pair as she climbs a small hill.\textsuperscript{462}

Before Evangelus’ couch stands a woman, who is identified by the sarcophagus’ inscription as Gaudenia Nicene. She has been plausibly identified as Evangelus’ wife, or at least his romantic partner, and she is almost certainly the mother of Evangelus’

\textsuperscript{460} Getty: 88.AA.70; Medelhavsmuseet: MM1997:001.
\textsuperscript{461} Holliday, “The Sarcophagus of Titus Aelius Evangelus and Gaudenia Nicene,” 85. argues for an Ostian origin point, based on style.
\textsuperscript{462} Holliday, 91. is unclear about the significance of these figures. He argues that the two men are twins, and that there may be a reference to the Dioscuri intended, largely on the grounds of the Phrygian caps that they seem to be wearing. One, at least, of these figures seems to be reveling, possibly alluding to a peaceful and joyous afterlife. There may be a contrast being made between the struggle of work, in the figure leading the unwilling horse, and happiness of leisure, in the dancing figure(s).
daughter. With her right hand, Gaudenia raises a cup to Evangelus. With her left hand, she holds a garland, a common feature of funerary art. Beside Gaudenia stands a goat or a sheep, plausibly an allusion to the raw materials used in Evangelus’ business and probably a hint that, like the two workmen at the ends of the sarcophagus, Gaudenia was involved in her partner’s working life, a topic to which we will return.

In the loculusplatte [Fig. 2] Evangelus sits alone carding wool and, once again, he is surrounded by his tools. Above him is another scale, along with weights, and there is a container full of skeins of wool behind him. Though the space is amorphous, a ball of wool seems to “hang” on an undefined wall, perhaps helping us to locate Evangelus in his workshop. We do not see the public-facing side of this space, the counter area, or the entrance for customers, but we see Evangelus actively plying his trade, generating the product that he sells, either directly to customers or to a wholesaler or retailer.

Both the sarcophagus and the loculusplatte emphasize Evangelus as a tradesman. While the sarcophagus displays him at rest, the image does not shy away from his work. In fact, the choice of these motifs, the choice to present work in a funerary relief, demonstrates that Evangelus took pride in his trade and that Evangelus felt he had achieved a measure of success that was worth preserving in this form. The sarcophagus displays an eclectic range of images, including Dionysiac imagery and representations of his family and, perhaps, his staff in the form of the two workers. While this specific arrangement of these subjects is unique, the elements: work, family, banqueting and the afterlife, are all components seen in images that Clarke has termed the art of “ordinary

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463 These complicated familial arrangements are discussed below.
464 Holliday, “The Sarcophagus of Titus Aelius Evangelus and Gaudenia Nicene,” 88. has argued that Gaudenia is dressed for work, though the level of detail of her dress does not make it possible to be certain
Romans. Among such commissioners, work is a prominent subject, and creating, buying, and selling goods are commonly displayed. This is also apparent in the *loculusplatte*, where the iconography stresses work, and the inscription relates the importance of Evangelus’ family and social connections. Interestingly, Evangelus’ images show him and his employees engaged in commonplace work, the kinds of tasks that would occupy them on a daily basis. Evangelus, it seems wanted to show himself in his day to day life, rather than in some moment of extraordinary success.

As we will discuss, consistency is something that many merchants attempted to convey, in what seems to be an effort to dispel any notion that their business practices were capricious or irregular. This is present in Evangelus’ case, not only through the scenes and kinds of work that his reliefs display, but also in the details of the scenes. In particular, the inclusion of a set of scales on both objects seems a significant choice. Scales, aside from their symbolic burden as a mark of balance and as the sign of the astronomical sign of libra, were a necessary tool in many industries, including wool-working. In Evangelus’ business, they were likely used to measure out combed wool before spinning. Measurement at this stage of production would enable Evangelus, or, more likely, his workers, to standardize the amount of wool per ball or skein, ensuring that customers could purchase wool in regular amounts. At the moment of sale, scales could be used to demonstrate the veracity of a merchant’s claims. If he or she claimed

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465 Clarke, *Art in the Lives of Ordinary Romans*, 4ff. addresses the complications of identifying “non-elite” or “ordinary” art, as well as the complexity of the spectrum between elite and non-elite categories themselves. While his definition is somewhat fluid, Clarke recognizes “commonplace” activities such as work as a clear indication of non-elite art, which accords well with the aims of this project, as well as the definitions for “popular” culture and cultural objects as laid out in Grig, *Popular Culture in the Ancient World*; Toner, *Popular Culture in Ancient Rome*. More particular study of Roman art depicting professions has been undertaken in Zimmer, *Römische Berufsdarstellungen*; Kampen, *Image and Status: Roman Working Women in Ostia*. 
that there was a pound of goods, it could be quickly tested. Evangelus also displays weights, which would seem to make a claim about the fairness and probity of his measures. He does not keep them away from the viewer, but, by implication, welcomes their scrutiny, because he has nothing to hide.

In fact, most of his business is left open for examination. He shows himself and employees combing out wool, a stage in the preparation of raw wool or hair that required particular care and attention to detail.\textsuperscript{466} It was a task that separated one wool-worker from another in terms of quality. Furthermore, Evangelus shows himself both as a worker and as an employer, which demonstrates not only the he took personal responsibility for the quality of goods that his workshop produced, but also that he was successful enough to employ others.

These images are eloquent in themselves, but both objects carry inscriptions as well, which offer us further insights into the life of Evangelus the wool-worker. At first reading, the epigraphic record of these objects seems devoid of evidence for Evangelus’ relationship to his work and reputation, as both inscriptions are primarily concerned with Evangelus’ family life, but this, too, has importance for the intersection of self-presentation, work, and reputation. The sarcophagus inscription is divided into two parts, beginning above and continuing below the scene, and reads:

\textbf{FUERIT POST ME ET POST GAUDENIA NICENE VETO ALIUM; <MI ET ILLEI FECI>, QUISQUIS HUNC TITULUM LGERIT, T(ito) AELIO EVANGELO, HOMINI PATIENTI, MERUM PROFUNDAT.}\textsuperscript{467}

\textsuperscript{466} Teal, \textit{Hand Woolcombing and Spinning}.  
\textsuperscript{467} Text from Holliday, “The Sarcophagus of Titus Aelius Evangelus and Gaudenia Nicene,” 86–87., edited to note the necessary insertion of \textit{mi...feci}. These words appear below the first line and are a clear emendation to the original text. They must appear before \textit{quisquis} for the sense of the passage.
I forbid that there be, after me and after Gaudenia Nicene, any other person (buried here); I made this for me and for her. Whoever reads this inscription, let him pour out wine for Titus Aelius Evangelus, a hard-working man.

The inscription is concerned with issues that preoccupy many funerary inscriptions in the Roman world, such as the protection of the tomb and the provision of burial for Evangelus and Gaudenia Nicene. The importance of this relationship, which looks like that of man and wife, whether or not the two were legally married, is reinforced by the imagery, where the pair drink with each other in a permanent scene of greeting (or perhaps farewell) and banquet. The inscription offers us little insight into the object’s original context. We can imagine family and close friends would be likely to attend the funerary banquet that is implied in Evangelus’ mention of pouring out wine, merum profundat, but the inscription addresses a viewer, quisquis, an indefinite pronoun which suggests that Evangelus himself may not have been able to exactly imagine who his readers would be, whether acquaintances or strangers. Regardless of the intended audience, Evangelus actually shares relatively little detail about himself beyond what can be learned from the images, he uses only patienti to describe himself, a term that requires further consideration and will be examined in detail below.

Moreover, Evangelus says nothing about his work as such. We identify his trade through the iconography, and Evangelus provides little else from which we could infer his biography. While we might have expected some reference to his business in the inscription, following a set of images that so clearly place emphasis on labor, it is clear that the imagery is doing different things from the text, including its display of Bacchic revelry, numerous animals, and the feast that Evangelus and Gaudenia seem to be

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enjoying. This kind of eclectic object may have simply been a product of Evangelus’
taste, and his desire to reveal a little of everything, without repetition. As a specially
commissioned object, we must assume that the details are intentional, and not the product
of chance or generic conventions.469

Similarly, the loculusplatte was a specially commissioned object, though its small
size encourages a more direct, clear message in its imagery. Though the loculusplatte is a
more streamlined version of the imagery of the sarcophagus, the similarities between the
two suggest that Evangelus had a single vision of how he wanted to be remembered after
his death: as a merchant dedicated to both his trade and to his family. Like the inscription
on the sarcophagus, the loculusplatte stresses Evangelus’ interpersonal relationships over
other details. It recounts his connection to a woman who is either his second wife or his
first wife and second major significant other, a man who is either her relative or
collibertus, and Evangelus’ daughter, who seems to be the result of his relationship with
Gaudenia Nicene. The loculusplatte has nothing to say about Evangelus’ work and offers
nothing explicit about his character.

T(itus) AELIUS EVANGELUS CONPARAVIT SIBI ET ULPIAE
FORTUNATAE CONIUCI CARISSIMAE SU(a)E CONCESSUS IBIDEM
ULPIO TELESPHORO ITEM GAUDENIAE MARCELLINAE FILIAE
NATURALI CONCESSIT T(itus) AELIUS EVANGELUS LIIBERTIS QUII
LUBIIRTABU470

469 For discussions about the choices faced by those commissioning artworks from craftsmen, see: Clarke,
Art in the Lives of Ordinary Romans, chap. 4 specifically discussing merchants and workers; Kampen,
“Biographical Narration and Roman Funerary Art.”
470 This inscription fills two panels to either side of the image, as well as spilling over into the lower border.
The text spans across the image, with words beginning on one side of the image continuing on the other.
Unlike the other inscriptions in this dissertation, no effort has been made here to recreate this unusual and
difficult-to-read arrangement. In reality, the text spans thirteen lines, with some lines containing as few as
four letters and others containing as many as eighteen. There is some limited and irregular use of the
interpunct visible on the stone, but it is not possible to determine it exactly from photographs.
Titus Aelius Evangelus prepared [this] for himself and for Ulpia Fortunata, his dearest wife. The same place is granted to Ulpius Telesphorus. Also, Titus Aelius Evangelus grants [this] to Gaudenia Marcellina, his natural daughter [and] to his freedmen and freedwomen.\footnote{The final words of the inscription are a garbled version of libertis libertabusque, granting burial rights to Evangelus’ freedmen and women. Holliday, “The Sarcophagus of Titus Aelius Evangelus and Gaudenia Nicene,” 96. believes that it is a purely formulaic addition, which may have had the benefit of adding to the illusion of Evangelus’ wealth and standing. There is no reason to suppose that Evangelus could not have raised himself to such a position of wealth and prominence, though the small loculusplatte, compared with the sarcophagus does somewhat suggest a diminishment of wealth, rather than growth. The text is the only misspelled part of the phrase and raises question about when and why it was added. Regardless, it is worth noting that the differences in the spelling conventions between the two inscriptions indicates that two different people carved the texts.}

In this case, Evangelus provides no description of himself but instead chooses to let the image speak on his behalf. However, the inscription is not without meaning. Evangelus again chooses to define himself in relation to his family and his generous provision of a resting place for them. The inclusion of family in funerary art and inscriptions is common in all forms of Roman funerary monuments and is by no means out of place for someone in Evangelus’ social and economic position. Joshel, who has analyzed a large corpus of inscriptions of working people, notes that freedmen commonly refer to or include their colliberti, fellow freedmen from the same master, in their burial arrangements. She associates this with the habit of freedmen to go into business with their colliberti.\footnote{Joshel, \textit{Work, Identity, and Legal Status at Rome}, 107–10.} While Evangelus does not exactly conform to this pattern, he does choose to present himself as part of a family, complete with some messy complexities, and he emphasizes that he has been successful enough to be able to provide them with a resting place.

The desire to make this provision for one’s family is well-attested in Roman funerary practice, and has long been associated, in the case of Roman freedmen, with a
desire to establish legitimacy for families that were often kept apart by slavery. This is certainly the case for Evangelus, whose “natural daughter,” Gaudenia Marcellina, seems to occupy a challenging position in the family, and perhaps also the Roman legal, structure. She shares her mother’s name, rather than her father’s, a sign that she was born outside the legal structure of the Roman family. Evangelus clearly recognized her as his own, but his careful provision for her burial suggests that he may have had some anxiety about her future, perhaps especially in light of his marriage to Ulpia Fortunata.

However, in as much as these are family ties, they are also likely to be business ties. As Joshel has noted, freedmen often went into business with their colliberti, and these connections often led to, or were themselves the product of, family ties that developed while in slavery. Certainly Evangelus’ family relied on his financial support. Evangelus was well enough off to be able to have slaves and freedmen and women of his own, and it was his money that purchased this resting place. His family were also connected explicitly to his trade through the imagery that decorated their tomb.

Ulpia Fortunata, Ulpius Telesphorus, who is either her relative, possibly a brother or, alternately, merely her collibertus, and even Gaudenia Marcellina may also have been assistants to Evangelus’ work in more concrete terms. We have already seen the example of Gaudenia Nicene, there was a precedent for family to involve themselves in the trade

473 Petersen, *The Freedman in Roman Art and Art History.*
474 It is unclear whether or not her parents ever married. Evangelus is adamant about his daughter’s legitimacy, which increases the likelihood that there was something irregular about his first relationship. The elder Gaudenia may have had her daughter before she married Evangelus, the pair may never have married, or their relationship may have been complicated by the legal status of one or the other. Gaudenia may have been a slave and therefore her status may have made it impossible to marry, though the evidence is inconclusive. It seems likely that Evangelus was born free, since he does not mention a former master in either inscription.
of the main bread-winner. To be as successful as Evangelus seems to have been may have required the help of family, and in particular of wives, who seem to have commonly worked in their husband’s businesses.\(^{476}\)

Of course, not all women were in such a position, particularly in the face of the death of their husbands. It seems clear from the visual language of the sarcophagus that Evangelus had expected to die before Gaudenia Nicene. The existence of the loculusplatte demonstrates that this did not happen, as Evangelus could have had no use for a second place to bury himself. It is unclear what happened to Gaudenia Nicene. She may have died first, and been buried in the sarcophagus without Evangelus, or the pair may have parted ways before either used the sarcophagus.

Whatever the case, Gaudenia is shown there as a woman who was fully capable of taking over his business. Evangelus may well have intended her to do so, but our sources suggest that it was often difficult for widows to maintain a business after the loss of a husband. Lucian, in his *Dialogue of the Courtesans*, describes a blacksmith’s widow who was forced to sell her husband’s anvil, hammer, and tongs to support herself and a daughter. She tries to make ends meet by weaving, but eventually is forced to prostitute herself and their daughter.\(^{477}\) The widow, Crobyle, tells her story with natural sadness,


but even in a case of such misery, it was important to her to mention that her husband, Philinus, was well-reputed, μεγα δομα, in the Piraeus where he worked.\footnote{Ibid.} She stresses that Philinus was a man without equal, perhaps excusing him from responsibility for their poverty and disgrace, and herself from blame for being unable to keep his business running.

Evangelus seems to have made a better provision for first Gaudenia, and later Ulpia and his second family, than the fictional Philinus did for Crobyle and his daughter, but reputation remains an essential component of both stories. In fact, it is directly reflected, not only in the emphasis that Evangelus places on his work, both in his probity, as evidenced by the detail of the scales on both objects, and his business success, represented by the image of his employees and the growing number of people that Evangelus provided burial places for, but also in the only description Evangelus offers of himself: patienti. While the English cognate, patient, is often used to translate the term,\footnote{Used in the only published translation, Holliday, “The Sarcophagus of Titus Aelius Evangelus and Gaudenia Nicene,” 87.} the word probably ought to be translated to reflect its origin in the verb patior, which implies both suffering and labor. Evangelus, most correctly, is describing himself as something like “hard-working,” rather than boasting about his “patience.” Patiens is not a common descriptor, but other merchants, and particularly freedmen and women, use language with similar implications when describing their characters and reputations.

One particular phrase relating a similar idea of hard work, is \textit{ab asse quaesitum}, an idiom meaning something akin to, “coming up from nothing,”\footnote{The translation of this phrase has generated a small amount of debate. Three interpretations predominate, first, “having achieved results with low expenses,” second, “not having taken even a penny from anyone,” with the implication of self-sufficiency and independence, and finally, something like what} and literally referring
to a fortune acquired from a single *as*.\textsuperscript{481} Hard work, toil, and success in the face of adversity are common themes in merchant inscriptions and they helped merchants present a reputation of diligence, determination, and success. A colorful example is the funerary marker of Vibia Chresta, which says:

\begin{verbatim}
\end{verbatim}

Vibia Chresta, freedwoman of Lucius, made this monument for herself and her family and for Gaius Rustius Thalassus, freedman of Gaius, her son, and for Vibia Calybenis, a freedwoman of Gaia, procuress. (She did this), having earned it starting with an *as*, with her own money and without fraud to others. This monument does not pass to the heirs.\textsuperscript{482}

The inscription is one of only a few that are explicitly set up by a woman on behalf of others. Vibia Chresta, like Evangelus, has erected this inscription on her own behalf and that of her family, including her son Thalassus and an unrelated freedwoman, Vibia Calybenis.

Of the people commemorated in the inscription, only Vibia Calybenis is identified by her work, specifically as a *lena*, a procuress or brothel-keeper. Though her profession seems clear enough and was likely a profession filled with many other women, this is the only attestation in an inscription of a merchant of this kind. However, Vibia Calybenis’

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\textsuperscript{481} The phrase appears in the inscription described below, as well as in CIL V 7647, the funerary relief of Quintus Minicius Faber, a shipwright. A similar formula, *ab asse positum*, appears in CIL V 6623, though the individual is not explicitly a merchant.

\textsuperscript{482} CIL IX 2029, Beneventum.
relationship with Vibia Chresta is less clear. It has been hypothesized that Vibia Calybenis was Vibia Chresta’s freedwoman, and that, Vibia Chresta may have owned the brothel that Vibia Calybenis ran.\footnote{Holman, “Roman Freedwomen,” 19–20.} The internal evidence of the inscription does not contradict this theory, since the text shows that Vibia Calybenis was liberated from the ownership of a woman, denoted by the inverted C,\footnote{Chase, “The Origin of Roman Praenomina,” 179.} but the limited context does not permit us to say much more.

What we can say about their relationship is that it was likely both economic and social, given that Vibia Chresta chose not only to provide a burial for Vibia Calybenis, but also felt that it was important to make a note of her profession in this inscription. It is possible that Vibia Chresta was engaged in a similar business, or alternately, if Vibia Calybenis was her freedwoman, that she was invested in this business, though, once again we are restrained by the limitations of this brief piece of evidence. It is notable that the inscription reports Vibia Calybenis’ profession without commentary, neither playing up nor making efforts to disguise the sexual nature of this work. It was evidently important to mention her work, but not critical to offer an excuse or explanation.

In fact, and perhaps naturally, Vibia Chresta is more interested in presenting her own achievements than discussing Vibia Calybenis’ work. She is adamant throughout the inscription about the scale of her achievement. She sees the inscription as a reflection of her success as defined by her financial circumstances, and emphasizes the money was her own, and acquired through her own effort. The final sentence of the inscription hammers home this point. Vibia Chresta pays for the monument with her own money, \textit{suo lucro},
which she built up from nothing, *ab asse quaesitum*, and earned *sine fraude aliorum*, without fraud to others. This trio of claims gets to the heart of many of the issues merchants faced, particularly in relation to their real or perceived social status. Whatever Vibia Chresta’s profession was, her profits from it were simultaneously a point of pride for her and something she felt some anxiety about.

On the one hand, Chresta is clearly proud of the achievement that this monument represents, the ability to provide a burial place for her family and associates. Like, perhaps, Evangelus, but certainly like many others, Chresta has risen from slavery, from being property, to a position where she is able to provide for herself and others, and possibly even to own, and free, other people. Her *ab asse quaesitum* stresses her rise from nothing, a journey that doubtless included the kind of suffering and effort that Evangelus refers to through his own *patienti*. Chresta’s assertion that it was her own money also draws attention to her achievement, which was done without the assistance of others. Her pride in her achievement is not without parallel. As we will discuss below, the goat-skin merchant Mithres also boasts of his ability to provide a resting place for himself and his heirs. He calls his ability to pay for his own burial and that of others an honor that was greater than all others, *honor potior quoque cunctis*. He is clear that these burials were not a selfish impulse designed to aggrandize himself, though his inscription certainly does that, but were a result of his own generous nature and care for others.

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485 This is also paralleled in Trimalchio’s funerary inscription from Petronius, *Satyricon* 71, *ex parvo crevit*, he grew from nothing. This is a common claim made in merchant and freedman inscriptions, to the point that it might be parodied in a work like the *Satyricon*. For more on Trimalchio as a “typical” economic actor, see D’Arms, *Commerce and Social Standing in Ancient Rome*, chap. 5; also Veyne, “Vie de Trimalcion.”

486 CIL IX 4796.

487 Line 14.

488 Lines 16-17.
though less expansive than Mithres, may have been drawing on some of these themes, and certainly wished to celebrate the achievement made possible by her hard-won financial security.

Yet wealth is also a subject of anxiety for Chresta, who felt compelled to conclude her own funerary inscription with an explicit defense of her achievement, that she had won it without deceit and fraud. As we will discuss more in chapter five, this kind of negative formulation whereby a virtue, in this case honesty, is presented as the absence of a vice, is common in merchant inscriptions, and seems to have been a product of pervasive negative stereotypes about merchants. To put it briefly, merchants were assumed to take advantage of others as a matter of course in their pursuit of gain. Vibia Chresta seems to have been anticipating accusations of this sort and intended to head them off in her own words, laying claim to honesty and fairness by disavowing cheating. Though her comment is brief, it was a targeted claim to assure the reader of her upright nature.

This may have been particularly critical for a person who was, either directly or obliquely, associated with the sex trade, since those professions were subject to a greater-than-average level of distrust from the general public. Despite the trust that was implicit in the physical intimacy of this kind of work, sex workers were consciously and continuously marginalized in Roman society, even more so than other merchants. It is unclear to what extent Vibia Chresta felt the need to defend against this kind of bias for

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489 Strong, *Prostitutes and Matrons in the Roman World*, 2, summarizes the stereotype neatly: “greedy, selfish, promiscuous prostitutes focused on their own self-interests.” The typical merchant stereotype, more broadly, is not far off from this assessment, though, as Strong and others have noted, this is the view of an exclusively elite audience. Merchant opinions, while harder to access, were likely to have been more nuanced in their view of each other.
herself, or for Vibia Calybenis, but that Vibia Chresta would, in the same “breath,” mention the profession of Vibia Calybenis and the absence of deceit in her acquisition of a fortune may hint that she felt a need to clarify matters for her audience. The question remains as to why Chresta would mention Vibia Calybenis’ work at all, but it was evident that this was seen as important information, and a point that should not be glossed over. Work was an important part of Calybenis’ identity, to the point that Vibia Chresta felt that she could not leave it out. Yet, rather than stress the sexual nature of Vibia Calybenis’ work, or even identify herself by her own (or her son’s) work, Vibia Chresta chooses to express her own admirable successes and assure her audience that she had done everything right.

As mentioned above, this is done, at least in part, through the condemnation of the vices of others. Vibia Chresta acts without, *sine*, those characteristics that are assumed to belong to those who, like her, achieve financial success. She hoped to share a reputation that reflected her character as an able provider, who generously looked after others, and dealt fairly and honestly with her business partners. These same claims are taken to an extreme degree in the case of Lucius Nerusius Mithres, whose long funerary inscription is emblematic of many of the elements at play in this chapter. He stresses many of the same issues raised in the cases of Evangelus and Vibia Chresta, though he reflects more explicitly than either on his own character as a man and as a merchant.

D.M.

IS CUIUS PER CAPITA VERSORUM NOMEN DECLARATUR,
FECIT SE VIBUS SIBI ET SUIS omnibus
LIBERTIS LIBERTABUSQUE POSTERISQUE oRUM.

LIBER NUNC CURIM QUI, RESPICE leCTOR.
NOTUS IN URBE SACRA VENDENDA PELLE CAPRINA,
EXHIBUI MERCES POPULARIBUS USIBUS APTAS, 
RARA FIDES CUJUS LAUDATA EST SEMPER UBIQUE. 
VITA VEATA FUIT, STRUXI MIHI MARMORA. FECI 
SECURE, SOLVI SEMPER FISCALIA MANCEPS, 
IN CUNCTIS SIMPLEX CONTRACTIBUS, OMNIBUS AEQUUS 
UT POTUI, NEC NON SUBVENI SAEPE PETENTI, 
SEMPER HONORIFICUS, SEMPER COMMUNIS AMICIS. 
MAIOR AD[HUC] HIC LAUDIS HONOR, POTIOR QUOQUE CUNCTIS, 
IPSE MEIS QUOD CONSTITUI TUTAMINA MEMBRIS 
TALIAQU[E] FECI NON TAM MIHI PROVIDUS UNI, 
HEREDUM QUOQUE CURA FUIT. TENET OMNIA SECUM, 
RE PROPRIA QUICUMQUE IACET. ME FAMA LOQUETUR: 
EXEMPLUM LAUDIS VIXI DUM VITA MANEBAT, 
SOLlicitus MULTIS REQUIEM FECI QUOQUE MULTIS, 
L. Nerusius Mithres.

For the spirits. He whose name is declared by the first letter of the verses made this for himself during his lifetime and all his freedmen and freedwomen and their descendants.

Reader, consider who I, who am now free from cares, was. Known in the city for selling sacred goat skins, I displayed goods suitable for popular uses, (I) whose rare trustworthiness was always praised everywhere. My life was blessed, I built a marble tomb for myself. I was untroubled, as a contractor I always paid my taxes, I was straightforward in all my dealings, was fair to everyone as much as I was able, and often helped those seeking my aid. I was always honorable, always courteous with my friends. This honor of praise is still greater, even preferable to all (others), that I myself put up a tomb for my limbs and I made it in this way not so much looking after myself alone, it was also out of concern for my heirs. He holds everything with him who lies in his own property. Fame will speak of me: I lived as an example of praise while life remained, looking after many, I, Lucius Nerusius Mithres, also made a resting place for many.⁴⁹⁰

Like that of Vibia Chresta and Evangelus, Mithres’ inscription notes the people for whom he provided a burial place. He has established a tomb for himself and his freedmen and women, a sizable number of people, if his omnibus is to be trusted, and he has provided space for at least one further generation of their families. If accurate, this

⁴⁹⁰ CIL IX 4796, Forum Novum (also known as Magliano Sabina). Text of Tran, “Le collège, la communauté et le politique sous le Haut-Empire romain. Historiographie du droit à la fin du XIXe siècle, « tradition sociologique » et quelques recherches contemporaines,” 197. Emended for punctuation. Though it was not possible to see an image of the stone, there appears to be a gap in the inscription between the first four lines and the rest of the inscription, at the point where the acrostic poem begins.
would be a significant gift, and an impressive marker of Mithres’ generosity. Mithres himself calls the construction of this tomb the *maior laudis honor*, the greater honor of praise, in that he not only was able to be buried with his own things about him, but also because he was able to give a resting place to his heirs.

These heirs are interesting, because, unlike Evangelus and Vibia Chresta, Mithres is not explicit about their identities. He does not define himself by a family that he is providing for, and we are left to assume that Mithres was without a wife or children. He may have left his estate to his freedmen and women, though we lack solid evidence. Certainly, he seems to have had a desire to look after them, not unlike our other examples. The inscription is too brief to determine if that was the result of some genuine emotional connection, but it is clear that Mithres wanted the provision of these burial sites to be viewed by others as a mark of his personal generosity to those under his protection.

More than our other examples, Mithres is clear in his presentation of the persona that he is adopting. That persona is at the very center of the inscription, both in the acrostic that spells out his name and in the consistent use of the first person to lay claim to agency and action. The Mithres of the inscription, whatever his relationship to the real man, never shies away from his achievements and lacks humility, in both the best and worse ways. He is adamant in his own value and contributions to society, and fully believes that his reputation will live on. As he says it: *me fama loquetur*, fame will speak of me.

The inscription makes a series of claims, perhaps most especially to a cultural and literary standing that is out of the ordinary for most merchants. Mithres’ inscription is a
carefully constructed piece of poetry, which eschews many of the traditional formulae that are found in merchant inscriptions. It is evident that he put a great deal of thought into the work, and that, perhaps like Petronius’ Trimalchio,\textsuperscript{491} he had been considering the content of the inscription for a substantial period of time before his death. As a result, we might consider this inscription to reflect something between Mithres’ posthumous and living reputation. He composed it thinking of the former, but while being actively engaged in the construction of the latter.

In terms of his reputation, Mithres is actually very explicit. Early on, he makes a claim that he is notus, known in the city where he worked, and proceeds to lay out all the characteristics that made up his reputation, the fama that will survive him, as well as the exemplum he displayed for others to emulate. With the exception of a very limited number of cases, the qualities that Mithres lists are directly related to his work as a retailer of goat skins and other useful things, pelle caprina and merces popularibus usibus aptas. His description of his own character is consistently tied to his work, so when he claims to have been “fair to everyone,” the claim is intended to be read in the specific context of Mithres’ dedication to simplicity in all his dealings. The absence of family helps us to reach this conclusion, as he does not relate his non-business dealings with others to us. Even the “friends” he mentions seem to be people with whom he has connections based on business, in that he describes himself as honorificus, honorable, and communis, courteous, rather than using more “personal” adjectives.\textsuperscript{492} Communis, in

\textsuperscript{491} Petronius, Satyricon 71, on the epitaph see: D’Arms, Commerce and Social Standing in Ancient Rome, 108–16.
\textsuperscript{492} Roman friendship is a complex matter, and it is rarely appropriate to apply modern categories, particularly of emotional closeness, to these relationships. See: Fitzgerald, Greco-Roman Perspectives on Friendship; Konstan, Friendship in the Classical World; Verboven, “Friendship among the Romans”; Williams, Reading Roman Friendship.
particular, highlights Mithres’ wish to be seen as a peer among equals.\textsuperscript{493} On the one hand, he does not place himself ahead of his friends, while on the other this word choice makes it more likely that these friends are business contacts, with whom Mithres worked professionally and his reputation in life was most critical.

Given that these were his concerns, Mithres’ inscription can be read as a manual for the ideal reputation for a Roman merchant. Mithres calls himself a man of \textit{rara fides}, rare trustworthiness, who was rewarded with a life that was blessed. \textit{Fides} is a crucial quality for merchants,\textsuperscript{494} one which we will see claimed again below in the case of the retailer Onesimus, as it directly counters stereotypes of merchant’s deceitful nature, the \textit{fraude} that Vibia Chresta rejected. Mithres claims a remarkable level of this quality, and credits it for the \textit{veata}, blessed, life that he led. This adjective almost certainly claims prosperity as well as more general good fortune, which is a common theme for merchant inscriptions. While it is essential that merchants appear to have been good people, it is also crucial that they have been successful people.

As noted above, Mithres claims to have been straightforward in his business dealings, as well as good and helpful to others. He stresses that he did as much as he could for those who sought his help and demonstrates that he was community-minded through his claim to have paid his taxes. We will return to this characteristic more fully in the following chapter, but it is a claim that was important to merchants, who were often perceived to prey upon the community and to take advantage of the state, rather than acting as good citizens by paying their fair share.

\textsuperscript{493} \textit{Commūnis}. TLL, vol. III, p. 1968, lin. 7 - p. 1984, lin. 36, see meaning III.
\textsuperscript{494} Widely held as such in popular culture, see, e.g. Publilius Syrus, \textit{Sententiae}, 209
However, the most essential feature that Mithres seems determined to convey to his readers is his own consistency. Four times he stresses that he was always, *semper*, doing these good things or behaving in these good ways, and we also see him often, *saepe*, helping others. Continuing the totalizing trend, Mithres claims his *fides* was praised always and everywhere, *laudata est semper ubique*. These claims are not just simple hyperbole. By using this language, Mithres presents himself in a permanent and totalizing state of goodness that lasted his whole life and will extend beyond it. This has specific implications in relation to his reputation as a merchant.

Consistency, dependability, and predictability were vital to Roman business practices, certainly, especially in markets that could feature volatile prices or capricious officials, but the importance of these qualities extends beyond that in the matter of reputation.\(^{495}\) Reputations could not be established overnight, and single actions rarely had a sufficiently broad or long-lasting impact to be related, received, and integrated into common knowledge. Though negative reports were likely to travel with speed and, given the right circumstances, were highly effective in tearing down a long-and hard-won reputation, good accounts generally lacked the sensational quality that led to rapid dissemination in a community.\(^{496}\) Accordingly, a merchant could not rest on the laurels of a single successful action, most built their good names slowly, from collections of simple, positive, day-to-day acts. Other merchants claim that their businesses were built up over many years, implying that their own reputations were the product of long-term,


\(^{496}\) Birnbaum, “Morality Judgment: Test of an Averaging Model with Differential Weights.” suggests that a person is commonly “judged by his worst bad deed.” Craik, *Reputation*, 50. on “negativity bias.”
consistently positive actions.\textsuperscript{497} Mithres’ claim is that his good character was always available to everyone, not just occasionally or for a select few.

For Mithres, this was particularly important because of what we know about his business. His inscription was discovered at Magliano, in Latium,\textsuperscript{498} a site about 30 km north of Rome, which is commonly believed to be the urbs of the inscription.\textsuperscript{499} Mithres does not say whether he lived at Magliano, but the distance between the town and Rome was not insurmountable, particularly for a merchant who might make a weekly or monthly journey to the city to trade at a regularly scheduled market. Yet the distance was great enough that Mithres probably maintained two distinct social and economic lives, and with them, two distinct reputations. It was important to him that Magliano was aware of his reputation in Rome, and that they recognized that his accomplishments were that much greater because of his success in that larger market. This inscription connects the two, and perhaps lends added force to Mithres’ assertion that he was praised “everywhere.”

Though Mithres seems to have operated a business that was split between Rome and its hinterland, he does not provide details of where he set up shop in either location, though numerous merchant inscriptions do just this. Some specify, down to the street level, where a merchant worked. Gaius Julius Epaphra, a fruit merchant, specifies that he worked \textit{de Circo Maximo ante pulvinar},\textsuperscript{500} and the freedwoman Aurelia Nais, a fish

\textsuperscript{497} E.g. Onesimus, CIL VI 9663, described below.
\textsuperscript{498} Though now a settled matter, there was some historical confusion over the exact find spot of this inscription. Though some have attributed the find to Magliano in Tuscany, the earliest reference, Buecheler, Riese, and Lommatzsch, \textit{Anthologia Latina sive Poesis Latinae Supplementum, Ediderunt Franciscus Buecheler et Alexander Riese.}, specifies Magliano, Sabina, also known as Forum Novum. Nothing further is known about the find spot and/or its relationship to the stone’s original position.
\textsuperscript{499} Christ, \textit{The Romans}, 76.
\textsuperscript{500} CIL VI 9822.
merchant, sold de horreis Galbae.\textsuperscript{501} Similarly, the inscription in honor of Lucius Statius Onesimus, a merchant of unknown goods, centered around his place of business. As in the inscription of Evangelus, Onesimus’ wife is mentioned here. In this instance, Crescentina was responsible for commissioning the inscription and, presumably, for this version of her husband’s reputation:

\begin{verbatim}
D.M.
IN HOC TUMULO IACET CORPUS EXANIMIS
CUIUS SPIRITUS INTER DEOS RECEPTUS EST.
SIC ENIM MERUIT, L. STATIUS ONESIMUS
VIAE APPIAE MULTORUM ANNORUM NEGOTIA(n)S,
HOMO SUPER OMNES FIDELISSIMUS,
CUIUS FAMA IN AETERNO NOTA EST,
QUI VIXIT SINE MACULA AN(nos) P(lus) M(inusve) LXVIII
STATIA CRESCENTINA CO(n)IU(n)X
MARITO DIGNISSIMO ET MERITO
CUM QUO VISIT CUM BONA CONCORDIA
SINE ALTERITRUM ANIMI LESIONEM
BENE MERENTI FECIT.\textsuperscript{502}
\end{verbatim}

For the spirits.
In this tomb lies the body of the lifeless man, whose spirit has been welcomed among the gods. For thus he, Lucius Statius Onesimus, deserved. Selling for many years on the Appian Way, he was an exceptionally honest man beyond all others, whose reputation is known in perpetuity, who lived without a stain for roughly sixty-eight years. Statia Crescentina, wife to a most worthy and deserving man, who lived with him with good harmony without any exchanged hurt feelings, made this for him, for he was deserving

Onesimus’ inscription, like Mithres’, dedicates most of its text to establishing his reputation, his \textit{fama}. It stresses his extreme honesty, \textit{fidelissimus}, and, like Vibia Chresta’s inscription, it claims that he lived, \textit{sine macula}, without any stain on his character. These claims are reasonably common, shared by Onesimus, Mithres, Vibia Chresta, and dozens of others. However, despite their ubiquity, they, “reflected a personal

\textsuperscript{501} CIL VI 9801.
\textsuperscript{502} CIL VI 9663, Rome, as with many of these inscriptions, the text has some oddities of spelling, most notably \textit{alteritrum}, which appears to be a rendering of \textit{alterutrum}. 
choice from a rich repertoire of widely available formulae,” as Mayer has persuasively argued.\textsuperscript{503} The formulaic nature of the inscription makes the personal details of Onesimus’ inscription, his age, his relationship with his wife, and his place of business, all the more important. In fact, the inscription judges these details more important than what exactly it was that Onesimus sold. It specifies only that he was selling, \textit{negotia(n)s}, but uses an entire line of text to explain that he sold along the Appian Way for many years. In one line, both Onesimus’ consistancy and his place of work are brought to the reader’s attention.

But why was place so important? It is not immediately clear that Onesimus, any more than Epaphra or Aurelia Nais, mentioned above, should be particularly proud of the location in and of itself. Joshel has noted that the labelling of place is a particularly common feature of merchant funerary inscriptions, and attributes this to an expression of social relationships, often of connections formed in slavery. She bases this analysis on a high number of \textit{colliberti} who shared a single inscription and a single shop address.\textsuperscript{504} The numbers are less pronounced for those she is able to confidently identify as freeborn but remain suggestive for merchants as a whole. Regardless of legal status, place is found in a substantial proportion of all known examples, and, as a phenomenon, it is bound up with reputation and social ties.

In fact, we should read these places as identifiers, not only to distinguish one merchant from another, as physical descriptions found in papyri do, but also because these places themselves contribute to a merchant’s reputation and his social network.

\textsuperscript{503} Mayer, \textit{The Ancient Middle Classes}, 2012, 110.  
\textsuperscript{504} Joshel, \textit{Work, Identity, and Legal Status at Rome}, 106–12.
Places frequently held, in common knowledge of locals, positive or negative associations, making them into “representational spaces.” Physical prominence at a good location contributed to an overall impression that a merchant was important and successful, particularly if the area was itself known for a cluster of members of the same trade.\(^{505}\) To be the best among one’s peers was an additional, and particularly sought after, mark of status, as Crobyle’s account of her late husband has already suggested. Furthermore, that same location attested to the social group that would know a merchant best, his neighbors and friends, competitors and customers. These individuals stored a merchant’s reputation and were the best resources for corroborating stories about him.\(^{506}\)

Of course, associations of this kind could cut both ways, with negative locations transferring their own poor reputation to a merchant. Furthermore, the absence of location experienced by traveling merchants was considered one of the most pitiable features of their profession. Apollonius of Tyana, the merchant sailor turned philosopher, recounts how his former profession was “not only inglorious but detestable… though of as much value to humanity as that of a prince.” He says how pirates tempted him to betray his cargo, so that he might finally be able to trade the sea for an estate.\(^{507}\) This trade would not only offer a great jump in social status, from tradesman to landed gentleman, but also a permanent home and a physical place where his reputation could be built upon literally

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\(^{505}\) A common feature in numerous cities across the Empire, see MacMullen, *Roman Social Relations*, 69–70.

\(^{506}\) Examples of these kinds of neighborly information networks will be discussed fully in chapter six of this project.

\(^{507}\) Philostratus, *Life of Apollonius of Tyana*, 3.23-24. This is a trope found across a wide range of sources.
solid foundations. Even though it was clearly appealing, Apollonius shuns this
temptation, refusing to compromise his reputation by dealing with pirates.\textsuperscript{508}

For Onesimus and his spot on the Via Appia we lack sufficient context to identify
the exact nature of his claim. The location might suggest a certain prominence, since the
road was a major arterial route into and out of the city, but, in fact, his wife’s insistence
on his many years of trading there would seem to be the more powerful claim, since the
Via was used more for transportation than trade, in as far as our evidence allows us to
reconstruct its activity.\textsuperscript{509} Rather, his trading there over the years meant that he would
have developed a strong network of friends, partners, and acquaintances who knew him
and knew of him. Furthermore, constant trading at a single location supplied evidence of
a good reputation in and of itself, as it built up “common knowledge” that a trader was
dependable and followed consistent patterns of behavior. Continuity of place might very
well lead the community to infer that there was continuity of sales practices, an important
characteristic for a merchant operating in volatile markets.

These inscriptions, along with many others, provide us with remarkable accounts
of merchants’ lives. Their preoccupation with their reputation is clear in these texts, as, in
their funerary monuments, they attempt to give shape to their lasting \textit{fama}. However,
their claims are generally reflective of the actions they had taken during their lifetimes to
deserve such a reputation. The pursuit of the actions taken in a merchant’s lifetime to
build and maintain a reputation are more challenging, since it is here that our evidence

\textsuperscript{508} Cicero, \textit{de Officiis} II.39, however, stresses that even pirates need to worry about their reputations. If they
do not treat their peers well, they will be deserted or murdered.
\textsuperscript{509} Portella, \textit{The Appian Way}. 
becomes spottier, and tends to come from the perspectives of non-merchants, whose views are typically biased against trade as a profession.

**Merchant Agency in (Living) Reputation:**

Finding evidence produced by merchants during their lifetimes is challenging. While we have substantial archaeological evidence of workshops and marketplaces, their utilitarian purposes frequently leave us without the narratives that we would like to have for individuals and their reputation strategies. Some exceptional visual evidence is available to us because of the unique preservation of Pompeii. Here, as on funerary monuments, it is reasonably commonplace to see images of work painted on exterior walls. This is of chief interest to us, as such displays were obviously intended to be viewed by the public. These decorations shaped the appearance of the neighborhood as a whole, offered landmarks along crowded streets, and tended to make claims about a merchant, his business, and his reputation.

An example from Pompeii offers us a rich case study. A Pompeian fuller, Verecundus, decorated what seems to have been the exterior of his workshop in the Via dell’Abbondanza. On one side [Fig. 3], we see workers in the shop overseen by a man plausibly identified as the owner, Verecundus. On the other side [Fig. 4], we see the interior of a shop, with a counter manned by a woman commonly identified as

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510 Mayer, *The Ancient Middle Classes*, 2012, chaps. 2 & 3. Analysis of urban commercial areas is a productive effort to extract social history from archaeological evidence.

511 For a good summary of the issue of Pompeii’s “typicality,” especially vis-à-vis the economy, see: Andreau, “Sull’Economia Di Pompei.”

512 The interior of the building has yet to be excavated, leaving us with many questions about the exact nature of the shop.
Verecundus’ wife. Even more than Gaudenia, this is a woman who is in control of her economic agency; she displays goods in her hands and holds the attention of a customer in a space she commands and operates by herself. The whole shop front is lavishly decorated, but, importantly, a frieze at eye level for a traveler on the sidewalk shows workers at various stages of the fulling, or felting, process. Around and on the image his name has been scratched and painted three separate times, clearly in an effort to link the image closely with the businessman.

From the perspective of the street view, the image was intended to be interesting and arresting. Above the frieze, a large representation of Venus Pompeiana [Fig.3] is painted standing in a chariot drawn by elephants. She was an important deity in the city, and her presence, as well as that of the exotic animals, was meant to catch the viewer’s eye from a distance, as her scale would make her easy to pick out from across the street or perhaps even further way. Upon approach, the viewer could then linger over the intricate details of the workshop scene at eye-level. These scenes show stages of work in progress, as well as workers, and, in all likelihood, Verecundus himself, displaying

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513 Clarke, Art in the Lives of Ordinary Romans, 109. admits that she is possibly an employee or slave but argues that her prominence in the scene is indicative of her relatively high status and increases the likelihood that she is Verecundus’ wife.

514 Clarke, 107. believes Verecundus to be a wool worker, like Evangelus, or a felter, who turned spun wool into fabric. Verecundus is more traditionally identified as a fuller, or a cleaner of wool. I incline to the latter interpretation. While Clarke believes the workers to the left of the scene to be combing wool, like in Evangelus’ reliefs, I believe this represents the “thickening” process of fulling, whereby cleaned fabrics were fluffed and returned to their normal shape and texture. This process required similar actions and was likely iconographically similar. Clarke, 109. refers to an inscription, which identifies a Verecundus as a vestarius, a clothes merchant. This is strong evidence, since Verecundus is not a terribly common name, but the Via dell’ Abbondanza was a street full of fulleries, see: Moeller, The Wool Trade of Ancient Pompeii; Moeller, “The Felt Shops of Pompeii,” which tips the scales back in the other direction, somewhat. For the purposes of this project, little rides on the outcome of this debate. Both are merchant professions, though fullers were further down the social scale than cloth makers, and Verecundus’ pride in his work is slightly more impressive, and surprising, if he was, in fact, a fuller. See also, Dickmann, “A ‘Private’ Felter’s Workshop in the Casa Dei Postumii at Pompeii.”
finished, clean cloth at the far right of the scene.\textsuperscript{515} The details may have been interesting to the outsider, to someone not working in the field,\textsuperscript{516} and communicated to everyone that Verecundus took pride in his work. There is no reason to suppose that Verecundus displayed anything less than his best efforts. Rather, he and his workers would be shown as the best in their field and the painting would show the quality of the work done in the shop.

As mentioned briefly above, the pillar opposite this scene was an image of the interior of a store front, a counter manned by a woman commonly believed to be Verecundus’ wife. She appears holding goods, surrounded by tables covered in other wares, while she, presumably, speaks with a customer, who is seated on a bench to the right. The shop appears to be a full space, relatively crowded in its composition, but the provision of seating for customers suggests that this was a social, as well as commercial space, one that welcomed the customer to linger, share news, and feel welcome. Such an invitation to linger encouraged customers to get to know the merchants, and therefore dispel any preconceptions or prejudices they might have brought into the shop.

Additionally, and perhaps most interesting in the context of reputation, the scenes are both effectively advertisements for Verecundus. The images, along with the scanty graffiti evidence that identifies the shop as his,\textsuperscript{517} identify the shop for both literate and illiterate populations, while boasting of the shop’s quality. This advertisement is

\textsuperscript{515} Clarke, \textit{Art in the Lives of Ordinary Romans}, 111. believes that this must be Verecundus, while I agree that it is likely, and he does seem to be “labeled” by one of the tags, it must, at best, still be considered a guess.

\textsuperscript{516} Images of work on interior walls (as in the metalworking and wine-selling cupids in the House of the Vettii, Regio VI.15.1) also suggest that this kind of image was visually interesting and desirable, even among more elite members of society. See Clarke, chap. 4.

\textsuperscript{517} As well as the graffito above the scene which mentions the support of the \textit{coactiliari} for a candidate for aedile, CIL IV 7838, \textit{Vettium Firmum / aed(ilem) quactiliar(ii) rog(ant)}, as discussed in chapter five.
particularly clear in the context of the greater neighborhood in which this workshop was located. Three fulleries are believed to have operated in this quarter, all with shop fronts along the Via dell’Abbondanza.518 As we have already mentioned, merchants identified themselves by their place of work in many of their funerary monuments. The fulleries of Pompeii suggest that the funerary evidence was a continuation of practices from merchants’ lifetimes, where place was also important. The evidence reinforces the importance of location and neighborhood to merchants, both to enable customers to find their businesses and to provide them with an opportunity to distinguish themselves from their peers or neighbors.

For the former issue, the collection of similar businesses in the same quarter provided customers with an easy means to track down the service they required. For fulleries, whose work was notoriously dirty and smelly,519 there was probably a social incentive to sticking together, and to set up shop in neighborhoods where their presence would be tolerated. Wherever these businesses settled, locals would know what area to head to when they needed clothes cleaned, and it would be easy to direct newcomers to the right neighborhood, particularly in light of the large and highly visible elephant panel, which would serve as an iconic landmark. For a population that mostly traveled on foot, clusters of related shops also made running errands convenient. Pedestrian traffic, facilitated by Pompeii’s architecture in the form of wide sidewalks,520 also meant that

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518 Moeller, “The Felt Shops of Pompeii.” stresses the cluster in this region, identifying the structures by the high, round furnaces they contain. This furnace also appears at the center of the Verecundus fresco. Clarke, Art in the Lives of Ordinary Romans, 108. believes this to be part of the felting process, and that heat was needed to keep the chemical used in a liquid form.

519 This is also the case for tanneries. Both required working with waste products known for their foul smell, see: Bond, Trade and Taboo, chap. 3. The clustering of fulleries in urban space is discussed in a North African case study in Wilson, “Timgad and Textile Production.”

520 Claire Weiss, ABD, University of Virginia, presentation at the University of Pennsylvania, 11/7/17.
merchants with better locations, those on corners or with other advantages to casual visibility, would do better than those tucked away out of sight. Verecundus’ colorful shop front not only advertised the quality of his work, but also increased his profile on the street, making him easier to spot, and encouraging people to use his shop, perhaps even referring to it by his name, as a landmark.

This landmark could be used as an anchor to transmit reputation information about specific merchants in the area. It would be possible to give directions by it and to suggest that the best merchant, the one that a buyer ought to visit, was two doors down from the Verecundus’ place, or around the corner from the elephants, et cetera. In an area where more than one shop of the same type was gathered, direct comparisons of quality and character were also facilitated, so reputations could be developed not only in light of what a merchant did himself, but also in how he measured up against his peers. We have already seen this phenomenon somewhat through the case of Lucian’s widow Crobyle, who notes how her late husband, a blacksmith, was known within his neighborhood in the Piraeus as a craftsman without equal. Though her account is understandably biased, it is likely that merchants came to develop reputations among their peers in their neighborhoods, and also among customers, who could directly compare the work done by different members of the same profession just by observing the streetscape.

Beyond the visual, we have the account of Seneca the Younger, who complained in a letter that he was unable to find any quiet in his urban lodging due to the noise coming from merchants in the nearby baths, claiming:

_Praeter istos, quorum, si nihil aliud, rectae voces sunt, alipilum cogita tenuem et stridulam vocem, quo sit notabilior subinde exprimentem nec umquam tacentem..._
Beyond those whose voices, if nothing else, are all right, think on the barber continuously emitting his weak and grating voice, so that he may be more noticeable, and is never quiet... Then the various shouts of the drink seller and the sausage seller and the cake seller and all the food vendors selling their goods, and each with his own distinct call.\textsuperscript{521}

These merchants, whether fairly or unfairly portrayed in this sketch, clearly intended to be heard. Seneca stresses that they have an \textit{insignita modulatio}, a distinctive call, and seems to believe, even if it is only for literary effect, that he can recognize each in turn. The passage reminds us of a feature, particularly of urban space, that is often lost through our sources, that of the soundscape.\textsuperscript{522} Among tradesmen, sound was evidently a tool in the arsenal, however irritating one's neighbors might find it.

Irritating or not, it must be assumed that in busy commercial districts these cries were effective means of helping customers find the goods they wanted, or even of convincing them to buy things they did not need.\textsuperscript{523} An effective seller might be both dealer and impresario, wooing his customers not only through tempting offers, but also through jokes or more personal conversation with known figures.\textsuperscript{524} Seneca is clear: these cries were an effort to advertise, and to present oneself and one’s goods as \textit{notabilior},

\textsuperscript{523} Bordalo, Gennaioli, and Shleifer, “Competition for Attention, Working Paper”; Sacharin, \textit{Attention}!
\textsuperscript{524} A central feature of what we know about popular culture in general. Humor and witiness were tools for establishing membership in a community and for asserting status among and above others, see Toner, \textit{Popular Culture in Ancient Rome}. also Martial, \textit{Epigrams}, 10.3, on the insults at times used by sellers.
more noticeable, than one’s peers. As Rimell argues, this is very much akin to fame, and seeking a reputation. Being noticed involved not only the immediate possibility of a sale for merchants, but also made a claim to the space, one’s position within it, and the right one had to sell there. Furthermore, just as in Pompeii, Seneca’s account seems to stress the similarity of businesses in the district he describes. His account mentions primarily food-sellers, with the exception of the specialist barber.

These merchants adopted clear strategies to be seen or heard, and to promote their reputation as the best in their field, or at least the best choice for this buyer. Our evidence for what exactly they said or did to achieve these aims is fairly slim. Again, reliefs offer us some insights, a relief from Narbonne depicting a fruit seller preserves not only an image of the seller [Fig. 5], who carried his wares in a sack on his back, but also an inscription of his cry: mala, mulieres. mulieres meae. He clearly hoped to endear himself to female customers, perhaps relying on being charming to help his sales. However, more critically for reputation, this seller recognized, or perhaps hoped, that he would be most clearly remembered into eternity for his iconic cry. It was, to him, as an essential part of his character as his name and said something fundamental about the kind of business he ran: a mobile trade in apples that appealed to women and which relied on his

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526 Since there is no reason to believe that Seneca was living near the forum, this also fits more generally into an ongoing discussion about the omnipresence of commercial activity in Roman cities. See Mayer, *The Ancient Middle Classes*, 2012, 74–85. for a convincing treatment of the naturally bustling urban landscape, which would have been filled with many temporary stalls for food, as well as permanent shops and tabernae.
527 On barbers, and their somewhat special position in Roman social life, see Toner, “Barbers, Barbershops and Searching for Roman Popular Culture.” Alipilum tends to refer to a slave responsible for plucking armpit hair, but the term is rare.
528 Holleran, *Shopping in Ancient Rome*, 207, 209, 212. this relief, likely from a sarcophagus, was first published in Magaldi, *Il Commercio Ambulante A Pompei*, 15. Holleran notes that the mala-bad, mala-apples distinction is also likely to be part of the joke here. Again, humor is a useful tool in trade.
voice to reach his customers. Other reliefs and wall paintings depict the next steps after a customer had been lured, including street vendors presenting their wares to customers. The careful examination shown in these scenes was likely to be a testing ground for reputation, where a customer could see for themselves whether a merchant’s claims were borne out in the goods they sold.

While such images give us useful insights into the intersection of the audio and visual cues that motivated merchant-customer interaction, generally, the best evidence for how merchants actually found their buyers and how reputation fit into those interactions comes to us from anecdotal evidence, drawn from novels or other fictional settings. In most cases, this evidence comes, not from merchants themselves, but from elite authors, like Seneca, looking down and into a social and economic world that they did not commonly participate in themselves.

The exception to this trend presents itself, surprisingly, in the work of a remarkably prolific merchant author of the imperial period: a tentmaker, whose business as an itinerant merchant funded his other, and more commonly known, work. The Apostle Paul refers to his work as a traveling craftsman as a part of his Christian mission. In his case, we are particularly well supported by evidence. Not only do we have the seven letters commonly attributed to him, but we also have the pseudo-Pauline letters, Acts, which speaks more expansively about his ministry, and finally the attestations, discussions, and arguments about Paul’s life and work stretching in an almost continuous line from antiquity to the present.

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With an author as comprehensively studied as Paul, it is unusual to find an aspect of his life that has been so thoroughly marginalized as his profession. Even major examinations of the social and economic world of early Christianity relegate Paul’s profession to less than a single chapter in their discussions. While it is commonly known that Paul was a tent maker, only one scholar has thus far made Paul’s profession a central theme of his research. Hock’s 1980 monograph and a handful of preceding articles on the subject constitute the core of this research and should be duly recognized as a worthy attempt to grapple with Paul’s work in a Greco-Roman context. Additionally, some work has been done on the biblical view of work, which offers a productive angle on Paul’s career. However, by and large, scholars have not viewed Paul’s profession as a central influence on his ministry and have dedicated little time to the possible implications of Paul as an itinerant tradesman.

Though scholarship has chosen to gloss over the issue, Paul himself mentions his work several times in his writings. He never used it as a central component of his preaching but it appears early in his letters and, like the merchants discussed above, he

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530 Thus Meeks, *The First Urban Christians: The Social World of the Apostle Paul*, though his analysis of Paul’s social position is nuanced and persuasive. Paul and his tent making colleagues were wealthy but socially marginalized, which explains some of the emotional ambiguity Paul has toward his profession. That said, Meeks mentions tent-making three times in total, and does not reflect on what craftsmanship might signify versus other sources of income. The most recent work on this topic, Blanton and Pickett, *Paul and Economics*, offers some productive avenues for future research, but does not dedicate any work to Paul’s profession or means of supporting himself.

531 There is a strand of literature that has been interested in Paul’s social and economic status, or rather the social and economic status of early Christian communities since the 1990s. This scholarship is not, generally, interested in Paul as a merchant, but focuses on Paul as a community leader. See Blanton and Pickett, *Paul and Economics*; Meggitt, *Paul, Poverty and Survival*; Theissen and Schutz, *The Social Setting of Pauline Christianity*; Meeks, *The First Urban Christians: The Social World of the Apostle Paul*.


533 Agrell, *Work, Toil and Sustenance*. 
does not seem to be at all embarrassed by his work. In fact, in the abstract, it seems that he views work as a necessary component of a good Christian life:

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\begin{align*}
\text{παρακαλο\deltadε ύμας \deltadαδελφοί, περισσεύειν μᾶλλον, καὶ φιλοτιμεῖσθαι} \\
\text{ήσυχα\deltae καὶ πράσσειν τὰ ἱδια καὶ ἐργάζεσθαι ταῖς χερείς ύμων, καθὼς ύμῖν} \\
\text{παρηγγείλαμεν, ἵνα περιπατήτε ἐὑσχημόνως πρὸς τοὺς ἔξω καὶ μηδενὸς χρείαν ἔχετε.}
\end{align*}
\]

But we urge you, brothers, to excel more and more, and to strive to live a quiet life and to attend to your private matters and to work with your hands, according to what we have told you, so that you live with decency in the eyes of those outside and so that you may not have need of anyone.

This passage comes as part of a greater section in Paul’s letter on the importance of brotherly love, and it is in this framework that Paul brings up working with your hands. He stresses here that it has been his wish that new Christians be productive workers and provides two clear motivations: on the one hand, so that outsiders, τοὺς ἔξω, might see Christians as worthy of respect, perhaps, even, of brotherly love, and on the other, so that they need not rely on the charity of others.

The two reasons say a great deal about Paul’s view of his own work, which has been the central question in the small group of scholars interested in his tent-making. Hock, in his monograph, argued that Paul had a somewhat aristocratic view of work and that he felt defensive about his social position because of his trade. He summons up evidence primarily from Cicero and Lucian, and believes that Paul maintained many of the biases that thrived in the Roman world against those who worked. Meeks has

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534 Paul’s position became more central in the opinions of later Church fathers, John Chrysostom in particular, see Mitchell, *The Heavenly Trumpet: John Chrysostom and the Art of Pauline Interpretation*, 246–48. For Chrysostom, it was important the Paul be seen as uneducated, but divinely inspired. Chrysostom believed that work placed Paul among the common people all his life and made him a man of the people.

535 1 Thessalonians 4: 10b-12

536 The reading of Agrell, *Work, Toil and Sustenance*, 98ff. is convincing and details the context in Thessalonians as well as in biblical writings more comprehensively.

characterized the relationship between Paul and his profession as, “wry pride,” while, most recently, Still has reexamined Hock’s position, suggesting that Paul did not feel particularly disdainful of work, nor did he come from a background that was likely to have made him feel so.

This wide array of positions reflects the fact that, while Paul clearly mentions his work on several occasions, his writings lack the open boasting that many of the other merchants discussed above were willing to undertake. Paul stresses his hard work and relates its importance to his ministry but says nothing about its exact nature and makes no explicit claims about his own skill or ability. Instead, Paul stresses the two points mentioned above: that work is a means to help Christians integrate into their communities, appearing as contributing members of society, and that work allows Christians to be independent of outside financial help.

Both points are critical to the study of Paul’s professional reputation. In the first instance, it is apparent that Paul was aware of the eyes of outsiders looking at him and his Christian community. As we laid out at the start of this chapter, the process of reputation formation, and later reputation maintenance, was a dialectical one that required not only merchant action, but the external viewer, interpreter, and keeper of reputation. Paul is aware of these outside viewers and is aware of how workers were viewed by others. While the stereotypes that circulated, positive and negative, will be discussed in the next chapter, along with the information networks that circulated reputation information, in

540 Craik, Reputation, esp. chap. 3. refers to those who hold reputational information about an individual “person bins” and calls what they do “storage.”
541 Some work has already been done on this topic, see Botha, “Paul and Gossip.” See full discussion in chapter six.
this context it is important that Paul understood that part of his work, beyond the creation of good tents, was a performance for those outside of his religious community, and that it was critical to the work that he wanted to achieve that he, and they, appeared to the outside world to be as socially acceptable as possible.

Elements of this seem to be present in many of the merchants this chapter has discussed. The funerary monuments are all displays that craft reputation through presentation, through directly addressing an audience that viewed and interpreted a merchant’s display. While the monuments, and the wall art of Verecundus’ shop, all communicate reputation, they are not literal examples of their owners’ wares, but rather a series of claims that the goods themselves would need to corroborate. The performative element of the merchant’s cries is apparent, but Paul extends this, in actuality, to the lives of the Christians, who must live quietly and be productive members of their community. He immediately presents this as the correct way to serve God, but this was also their means to build their reputation as a group, and be viewed as good, honest men, who happen to be Christians, as well. The same kind of strategy is echoed in the inscription of Mithres, who, among his many claims, is careful to note that he paid his taxes and was kind to everyone: a short-hand description for doing one’s duty to the community and being a productive individual who caused no offense.\(^{542}\)

Paul also stresses independence as a central reason to work with one’s hands. He does so earlier in 1 Thessalonians:

\(^{542}\) These are the same aims as those discussed in chapters one and three for individuals or groups approaching the state. Paul, Mithres, the navicularii of Arles, as well as Pabous the arab archer, all share a vocabulary that involves contribution to the state and the community and that eschews being a burden, even when asking for favors.
μνημονεύετε γάρ, ἀδελφοί, τὸν κόπον ἡμῶν καὶ τὸν μόχθον· νυκτὸς καὶ ἡμέρας ἐργαζόμενοι πρὸς τὸ μὴ ἐπιβαρῆσαι τινα ὑμῶν ἐκηρύξαμεν εἰς ύμᾶς τὸ εὐαγγέλιον τοῦ Θεοῦ.

For remember, brothers, our toil and our hardship. Working night and day not to be a burden to any of you, we preached to you the gospel of God. Additionally, the theme recurs in Corinthians:

καὶ κοπιῶμεν ἐργαζόμενοι ταῖς ἰδίαις χερσίν.
And we toiled, working with our own hands.

For Paul, as for many others in antiquity, self-sufficiency was the idealized goal of their professional lives. We have already seen how this was the case for Vibia Chresta, who wished to be clear that it was with her own money, and no one else’s, that she was able to erect a funerary monument. For Paul, the claim suggests that his travels and work far from home came under scrutiny, and that there was some question as to the burden that his hosts bore on his behalf. According to Acts, one of Paul’s hosts was hauled before the city authorities for harboring him. Though being arrested was undoubtedly a burden, Paul’s letters sought to clarify the situation: by providing him with lodging, his hosts were serving their faith and God, not to him personally, so anything they suffered, they suffered for God, and not for him personally.

543 1 Thessalonians 2:9.
544 1 Corinthians 4:12.
545 Wickham, Framing the Early Middle Ages, 289. on self-sufficiency. “[The] rhetoric of self-sufficiency which is used by some of the leading texts for the period, such as the Capitulare de villis of c.800, and which is no more authentic than is the parallel rhetoric in Cato’s De agricultura.” See also: De Ligt, “Demand, Supply, Distribution: The Roman Peasantry between Town and Countryside: Rural Monetization and Peasant Demands,” 30ff. with explicit reference to the ideal autarkic peasant as compared to the greedy merchant on 32.
546 See Agrell, Work, Toil and Sustenance., furthermore he seems to want to distance himself from other kinds of traveling speaker, see Hock, The Social Context of Paul’s Ministry, 52–59. on the differences between Paul and the Sophists, for example.
547 For Jason’s arrest, Acts 17:6-7; for service to God over Paul, 1 Corinthians 1:10-12.
However, while Paul may have come under fire for staying with hosts and may have had to stress his labor to demonstrate his innocence and industry, we must not assume that he had any reservations about his work. Hock’s belief that Paul felt embarrassment over working with his hands seems unlikely, particularly since he does not, and would not, open himself up to criticism from the very people to whom he is trying to bring his faith. In mentioning his work, Paul believed that he was silencing critics, not providing fuel for new attacks. He is able to claim that he burdened no one, and that his work was the part of his life that covered the practical needs of this world. This did not mean that it was easy. Paul records that he toiled and suffered through his work, though it unclear whether he is considering the physical labor of his artisanal duties, or if it is important for him to communicate the lengths he has gone to for his faith. Indeed, it is likely to have been some combination of the two, but it was critical for Paul to communicate to his audience that he had gained a viable living from his work and was able to avoid accepting charity as a result.

Additionally, within a Greco-Roman context, financial independence, regardless of the source of the funds, was a sign of at least some success. Providing for oneself was an uncertain proposition, even with hard work, but was, for many, impossible without it. Though Paul’s feelings about women in general suggest that he would have rejected the comparison, his perspective is consistent with that of Vibia Chresta and Vibia Calybenis, who attained similar independence, in their cases literal freedom from slavery, through their work. In fact, Vibia Chresta, Evangelus, and Mithres all define their success through their ability to provide burials for themselves and others. Paul shifts this definition by
considering that it was a success merely to not require others to provide for him.\textsuperscript{548} Paul speaks with pride about his self-sufficiency through his profession, not directly about his pride in the work itself. However, this does not mean that he is distasteful of work. In fact, he was even willing to build professional labor into the functioning definition of what it meant to be a good apostle and servant to god.

This is particularly true since Paul seems to have used his trade as a tool in his ministry. His financial independence meant that he could afford to speak his truth, without any accusation that he was spreading the agenda of his wealthy hosts and could afford to move on when circumstances required that he leave one household or city and being to work in another. In Acts, where we actually learn that Paul was a tent maker, rather than another kind of laborer, we learn that he met and worked with other members of his profession when he came to a new city.\textsuperscript{549} In Corinth, he even stayed with another tentmaker and his wife. These kinds of connections are not unknown from other trades in antiquity. As we will discuss in chapter six, merchants on the move often had to rely upon social networks, and in particular letters of introduction and recommendation, to find lodging and work when they came to a new place. Taking work with the tentmaker Aquila, who was, himself, an itinerant craftsman, from Pontus and living in Rome before he came Corinth, enabled Paul to lean on another person to help get business up and running, to find commissions and find suppliers. It may even have allowed them,

\textsuperscript{548} Though Acts 20:33-34 claims that Paul also was concerned to provide for others in just the way that other merchants do.

\textsuperscript{549} Acts 18:1-3, Μετά ταῦτα χωρίσθηκεν ἐκ τῶν Αθηνῶν ἦλθεν εἰς Κόρινθον, καὶ εἰρήνη παντὸς Ἰουδαίου ὀνόματι Ακύλαν, Ποντικόν τῷ γένει, προσφάτως ἐπιθυμοὺς ἀπὸ τῆς Ἰταλίας καὶ Πρίσκιλλαν γυναῖκα αὐτοῦ διὰ τὸ διατεταχέναι Κλαύδιον χωρίζεσθαι πάντας τοὺς Ἰουδαίους ἀπὸ τῆς Ῥώμης, προσήλθεν αὐτοῖς, καὶ διὰ τὸ ὄμοτέχνον εἶναι ἐμενεν παρ’ αὐτοῖς καὶ ἑργάζοντο, ἠσαν γὰρ σκηνοποιοί τῇ τέχνῃ. After this, Paul left Athens and went to Corinth. There he met a Jew names Aquila, a native of Pontus, who had recently come from Italy with his wife Priscilla, because Claudius had ordered all Jews to leave Rome. Paul went to see them, and because he was a tentmaker as they were, he stayed and worked with them.
together, to take on more or better paying work, since single merchants would be unable to keep up with sudden influxes of work or commissions requiring large scale production.

Certainly, Paul was able to lean on Aquila’s reputation in Corinth until he developed his own. We see Paul send his greetings to Aquila and his wife at the end of Romans, which seems to be part of a similar effort to improve each other's reputation through mutual recommendation and the public extension of friendship.

This evidence of Paul is, in the main, from a period earlier than this project intends to cover. Paul’s letters are all from first century and the social work he operates in must be, to some extent, located within that context. Yet, later writers about Paul pick up these same kinds of reputation strategies. In the fourth century Acts of Paul and Thecla, we see Paul again traveling, and again associating with merchants, in this case an untrustworthy coppersmith named Hermogenes. In this context it is clear that Paul is the moral superior of his companions, but centuries on, it was still believed that this was an appropriate social setting for Paul’s ministry. Not only does it suggest that Paul continued to have a reputation as one who worked and taught among tradesmen, but also it implies that the same kinds of traveling strategies we see in Paul’s letters were in use and comprehensible to fourth-century Christian audiences.

Overall, Paul’s reputation as a tradesman is somewhat opaque. He does not loudly proclaim that he was good or honest or fair in his business dealings, though we see him claim success in business and that working with one’s hands is akin to loving one’s

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550 Acts of Paul and Thecla, 1.1: Ἀναβαίνοντος Παύλου εἰς Ἰκόνιον μετὰ τὴν φυγὴν τὴν ἀπὸ Ἀντιοχείας ἐγενήθησαν σύνοδοι αὐτῶ καὶ Ερμογένης ὁ χαλκεύς, ὑποκρίσεως γέμοντες, καὶ ἔξελεπάρουν τὸν Παύλον ὡς ἀγαπώντες αὐτὸν. When Paul went to Iconium after he fled from Antioch, Demas and Hermogenes the coppersmith traveled with him. They were full of hypocrisy, and flattered Paul as though they loved him.
brothers and sisters. Paul does not provide us with an anecdote of himself at work, though Hock and others have argued that it is likely that his preaching and his tent making intersected in the physical space of his workshop. Nevertheless, while he does not say it openly, it is clear from his writings that Paul is well aware of the importance of his reputation. He wants, clearly, to be known primarily for his preaching, not his trade, but he is not above using the latter to help him communicate the former.

His living reputation, then, is probably the most reflective of the utilitarian approach that merchants in this chapter had toward their reputation: it was to be cultivated in so far as it was useful. That use, for most merchants, was simply financial, the ability to feed and provide for oneself and one’s family.

**Conclusions:**

This chapter has described strategies for reputation management undertaken by merchants both dead and living. Though understanding the rationale for posthumous reputation in individual cases is always challenging, we have found that there were practical benefits to these actions, as a means to strengthen the business and social position of friends and heirs. For those left behind, it was useful that the deceased was both well thought of and not forgotten. Additionally, our evidence strongly suggests that funerary reputation management acted as a continuation of the reputation strategies that merchants had been accustomed to use in life.

Thematically, we have seen merchant's stress their hard work, financial independence, contributions to society, and quality labor and products. Whether work

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was one’s primary motive, as in the case of Verecundus, or merely a necessary aid to other endeavors, as with Paul, it seems clear that merchants sought to justify their professions as honest, successful, and necessary to the community. Personally, they wished to be viewed as morally upright, and stressed their virtuous characters and their association with equally virtuous peers.

In many cases, this involved merchants locating themselves within the landscapes of their business lives, as these places clearly retained meaning for them and fed back into their reputations. Whether they merely referred to those locations, as in the funerary inscriptions presented above, or actively curated the space in which they worked, as in the case of Verecundus’ shop, it has been evident that it is necessary to think about neighborhoods and spaces if we wish to get a better grasp on how and under what circumstances merchants were able to build their reputations. Places with good reputations aided merchants in developing their own, and places retained a character that outlived individual merchants, leaving cities across the Empire with markets and neighborhoods named for trades and characterized by specific kinds of commerce. We must think, as well, about places with bad reputations, and about how association with those places might harm the people who lived and worked there. Social orders are at times enforced along physical lines that make it difficult to move from one space to another. Being from the wrong neighborhood, having the wrong address, can attach a stigma that is difficult to shake off.

That stigma arose from the society around Roman merchants, which, as Paul noted, was always looking at merchants with a critical eye. In the next chapter, we will look at the stereotypes that persisted about merchants and their work, and at some of the
ways that merchant reputation strategies were received by their peers and customers. It is in this context that we will see more clearly how reputation functioned as an institutional limit, restricting merchant choices and making some actions more profitable for them than others. Though these choices can seem counterintuitive, at times requiring merchants to do things that did not maximize their profits in the short term, or may have even been personally costly, they often had long-term benefits when merchants could call upon the social capital that these actions earned them. Merchants tried their best to act in ways that would foster the growth a good reputation, not because it was the most immediately profitable decision, but because the slow accumulation of a reputation provided them with security in times of crisis, winning them the benefit of the doubt when things went wrong, and with a foundation of trustworthiness on which they could base further growth by allying with other merchants to cooperate for greater gains.
CHAPTER 5: Group Reputation and Merchant Stereotypes

In the previous chapter it was apparent that Roman merchants were highly conscious of their personal reputation and took steps, both simple and sophisticated, to protect and project their good name. Their efforts, as we have seen, placed their businesses at the forefront of their public image, often with an emphasis on where they worked and the communities into which they were embedded. These strategies were, in the main, effective responses to the challenges that merchants faced, and shaped the reputation that the individual bore through life and into death.

However, as we have defined reputation, it was dependent upon the opinions and actions of outsiders. Reputation was both created by and stored among the acquaintances of its subject, and, while we have demonstrated the ways that it could be influenced by that subject, it was never completely under the control of any one person. It remained a variable that could not be wholly predicted and might be influenced by factors that its subject was even ignorant of, such as rumor and gossip. An individual’s reputation was dependent upon society at a variety of levels, from broad conceptions of status to the opinions of specific cliques of influential individuals. Merchants were subject to judgment at each of these levels, and the strategies discussed in the previous chapter operated better at some levels than others. In each case, their success depended on their audience, which varied widely in size and in willingness to accept the portraits merchants created of themselves.

As this chapter will discuss, while individual merchants were often able to influence their reputation within their immediate community, they struggled to do so in broader contexts. The proliferation of negative stereotypes about merchants, either
connected to a single trade or more generally, provides a case in which individuals were generally unable to effect change to their reputation, in that society as a whole continued to hold a negative view of their profession and was resistant to changing its opinions. While an individual merchant might strive, or even succeed, to differentiate himself from stereotypes about his trade within his immediate community, his efforts did little to disprove the stereotype. At best, he established himself as an exception to the same rule that his friends, colleagues, and customers knew to be true of merchants generally. As a result, a trader with a good reputation in one community often struggled to translate that into business opportunities elsewhere. Furthermore, a single merchant who demonstrated that he did not conform to the stereotype did nothing to benefit his peers and the wider community of traders and craftsmen, who continued to be subject to the beliefs of society at large.

Strategies for achieving larger-scale change in the public’s view of merchants required additional supports, and, in many cases, merchants chose to work with groups of their peers in order to present a united front against negative judgments and engage in reputation strategies that they could not do alone. These groups, whether formally or informally assembled, acted, for at least some extent of time, as a single, unified entity. They developed and presented a collective image of themselves that could be leveraged to provide the members of the group with specific benefits, either concrete, like the tax breaks that the shippers discussed in chapter one enjoyed, or more amorphous, like social capital and status. The strategies of these groups of merchants differed from those used by individuals, as they needed to balance the needs and wants of the group with those of each of its members.
As this chapter will discuss, groups responded to external pressures, such as stereotypes, and produced a reputation for the collective, but they also established strategies that helped them to navigate intra-group dynamics. As we will see, they frequently relied on social pressure to encourage members to adhere to certain codes of conduct that would reflect well on the group and help it present itself to the community. Membership in an association was commonly tied to certain behaviors, and failure to uphold the standards of the group was often met with financial and social consequences. Individual merchants determined the role that their personal interests and reputation played within the context of the group carefully and weighed the benefits and the risks of joining groups and participating in collective projects. Belonging to a group offered clear benefits, but it also placed institutional limits on a merchant, who, if he wished to remain a part of the association, had to adopt certain personal and business behaviors, while avoiding others. Members restricted the number of their available choices, accepting these parameters in return for a piece of the collective reputation that merchants developed when they worked together.

**Defining the Group:**

As this chapter intends to focus on the strategies used by groups of merchants to develop, present, and shape their collective reputation, it will be useful from the outset to develop parameters for who and what constitutes a “group.” The definition of this term is challenging, as there remains considerable debate within anthropological and sociological circles about how best to understand the nature of a group. The primary division in this field exists between those who prefer an individualistic approach, assessing the group as a set of individual agents, and those who follow a holistic approach, seeing the group as a
system of relationships, and an entity in its own right.\textsuperscript{552} There are benefits to both theoretical frameworks.\textsuperscript{553} On the one hand, the individual model more aptly accounts for group members having different or even contradictory goals and intentions, and reflects the diversity within groups with greater accuracy.\textsuperscript{554} On the other hand, the holistic model can more easily adapt to shifts in group membership, as an established group can maintain its system even when new members join or old members leave. Furthermore, in this model, the collective entity of the group is something which can have its own character, identity, and force, and can therefore be recognized by non-members, even if they do not know the precise membership of the group.

Both models have a place in the current discussion, as this chapter will argue that reputation functioned at both levels simultaneously, as individuals strove to protect their personal reputations, both within and external to the group, and the group acted as a whole to project a common reputation that was received by those outside the group. In practice, the chapter will begin with the holistic approach, presenting the group acting corporately and engaging with the community of non-members as a singular entity, before shifting to examine the group more individualistically, particularly in pursuit of the nuance of intra-group dynamics and the institutional force of professional groups on their members.

These models add clarity to the discussion, but do not, in themselves, define a group, much less exactly what we mean by using the word in this context. Groups

\textsuperscript{552} Olmsted, \textit{Social Groups, Roles, and Leadership}. is a summary of the debate. See Sheehy, \textit{The Reality of Social Groups}, for a recent take.

\textsuperscript{553} Scholars on social identities are more comfortable using both, identifying “me” or personal identities on the one hand, and “we” or group identities on the other. See: Brewer, “The Many Faces of Social Identity.”

\textsuperscript{554} As Noyes, “Group,” 449.: status existed within the group as well as factionalism.
stubbornly resist definition, in that there is little consensus about whether a group can exist without conscious recognition of its reality, what the role the sub-group might have in a larger entity, and what amount of contact, proximity, or interrelation is necessary to constitute the group. This chapter will begin with the definition proposed by Olmsted, which, while now dated, provides a point from which we may extrapolate the specific needs of working with groups of merchants in the Roman Empire.

Olmsted has defined the group as: “A plurality of individuals who are in contact with one another, who take one another into account, and who are aware of some significant commonality.” The three components of this definition serve us well in the case of Roman merchants, though each requires slight adaptation, given their development for a modern context. Contact is his initial prerequisite, in that a group cannot be formed without communication. In the case of Roman merchant groups, this contact was generally made in person, and in most cases, it was regular in terms of time and/or place. Within the Roman world, it was relatively common for groups to hold formalized meetings to discuss business or otherwise collectively participate in social or cultural activities. This helped them to establish clear boundaries as to who was included in or excluded from the group, as well as making their identity visible to the greater community. In this chapter, we will see these boundaries shaped by particular professions, as well as by proximity, which also facilitated communication among members.

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555 Olmsted, The Small Group, 21. there are numerous other definitions, with nuanced meanings, Olmsted, Social Groups, Roles, and Leadership, provides a list.
556 Noyes, “Group.”, discusses the “shibboleth” that helps to test as well as define group membership.
Olmsted’s second factor is the group’s willingness to “take one another into account.” This is the most individualistic element of his definition, as it assumes that members will concede some of their independence in order to participate in the collective, to consider its needs as an entity both to which they belong and separate from themselves. In formal merchant associations, we see some of this consideration codified into group charters. In these documents, the expectations for group membership are made explicit and the proper treatment and accommodation of fellow members is a conspicuous feature. However, as we will discuss, even informal groups of merchants had to be conscious of the impact their personal actions would have on the dynamics between members and the position of the group in society. Members who acted against the interests of their groups, wronging their peers or placing their personal needs above the whole, often struggled to maintain their position in the group, and, as this chapter argues, consideration of others was often a decisive factor on a member’s position and reputation within the group.

Finally, Olmsted notes that groups must have an, “awareness of some significant commonality.” “Awareness” and its cognate “consciousness” are a highly debated element in the study of groups, in that this feature is particularly difficult to assess from the perspective of an outsider, looking in.\(^{557}\) Indeed, scholarship on groups contests the appropriateness and necessity of insider knowledge when it comes to groups, believing, on the one hand, that outsiders have a greater ability to be objective about group dynamics, while, on the other hand, only an insider has access to all of the information.

\(^{557}\) It has, however, been a standard feature of such definitions since the early 20\(^{th}\) century, e.g. Simmel, *Conflict*; Weber, *The Theory of Social and Economic Organization*. 
about a group.\textsuperscript{558} In the Roman case, awareness of the group must be our starting point, since we can only identify a professional group if it identified itself. We do this primarily through the names that the groups adopted. These commonly identify either the purpose of the group, its membership, or both. Names can be a deceptive indicator, of course, and there may have been many groups of merchants that lacked names, but we naturally struggle to see merchant groups of this type because they often lack a clear presence in our records.

Olmsted’s “significant commonality” was a central element of early scholarship on merchant groups in the Roman Empire. Research, particularly in the 19\textsuperscript{th} century, was invested in the categorization of these groups, and particularly of collegia. These were formal associations that shared a range of central “commonalities,” including religious worship, commensality, and professional affiliation. While this early scholarship struggled to identify which groups were primarily religious, social, or professional, more recent work has embraced the ambiguous and diverse roles that such groups played in Roman society. Building on the work of Van Nijf,\textsuperscript{559} scholarship is increasingly comfortable with groups that identified themselves in ways that straddle these categories, such as the συμβίωσις τῶν χαλκέων, the gathering of blacksmiths,\textsuperscript{560} or fabri fratres, craftsmen brothers,\textsuperscript{561} whose associations are simultaneously social and professional. In

\textsuperscript{558} Greenwood, “Social Facts, Social Groups and Social Explanation.”, also notes that it is possible for putative insiders to a) not actually be in the groups they self-identify with and b) to misrepresent the groups that they are in, either because of their unique identity or because of their misunderstanding of the group’s shared purpose or beliefs.

\textsuperscript{559} Van Nijf, The Civic World of Professional Associations in the Roman East.

\textsuperscript{560} Sigeion, Mysia, CIG 3639 add.

\textsuperscript{561} CIL V 7487.
the terms of our definition, they share more than one “commonality,” and can therefore be classified as groups.

Recent scholarship has increasingly embraced the socio-economic identities of these organizations and has begun to grapple with the ways in which differing identities can coexist within and across these groups. In the last 20 years, it has been argued that *collegia*, and other, similar groups, offered their members beneficial tools for managing their personal and corporate reputations. This field has grown rapidly since the late 1990s and has produced a number of excellent works that have considered important aspects of the social position of these groups. Scholars have examined the role of family ties in formal organizations and their relationships to the apprenticeship system, the institutional limits *collegia* imposed upon merchant behavior and the ways that moral and professional standards were enforced by these groups, as well as the importance of reputation, both of the group and its individual members, to the individuals involved and their position in society. Though the latest work has pressed for a reassessment of the power these groups wielded as collective entities, and has disputed the idea that *collegia* and other groups had firm control over their membership, the field is reaching a growing consensus that it is through the lens of social interactions that *collegia*, and voluntary associations more generally, are best understood.

562 See Ramsöy, *Social Groups as System and Subsystem* for relevant sociological theory on the functionality of different identities in the same or differing groups, see Brewer, “The Many Faces of Social Identity.”; based, in part, on Tajfel, *Human Groups and Social Categories.*


566 Hawkins, *Roman Artisans and the Urban Economy.*

Despite this productive scholarship, this chapter does not intend to make *collegia* and similar, formal organizations its exclusive focus. When possible, it will examine groups that did not label themselves in those ways for three primary reasons. First, as scholars of this field have already noted, the categorization of *collegia* has been a largely unproductive line of inquiry, both because these groups resist sharply defined categories and because the categorization alone contributes little to our understanding of the social dynamics experienced by groups of individuals united by their professions. Thus, a focus on formal, explicitly labeled organizations is unlikely to bring greater clarity to these matters than examining unlabeled ones. Further, as we will see, groups of merchants are visible in other ways, attached to trading networks that, while they did not identify as *collegia*, per se, or by any of the many related terms, nevertheless appear to have operated with similar, albeit less formal, reputation dynamics and strategies. Many of these are visible through webs of kin and apprenticeship relationships that we will discuss more in the next chapter, and, while they lack the regulation and hierarchical structures that are common in *collegia*, they share similar kinds of social norms and concerns for reputation with more orderly groups.

Second, as we have already noted, non-professional associations, whether in the form of *collegia* or not, often served economic purposes, and united merchants even beyond the group’s stated purpose. As Harland has noted, there are few, if any, *collegia* of tradesmen that were not also religious or burial associations.\(^{568}\) The converse also holds true: that associations with explicitly non-economic purposes, Olmsted’s

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“commonality,” often provided economic opportunities to their members, from simply introducing individuals with common trades to actively providing work for merchants. The example of Paul the Apostle, discussed in the previous chapter, demonstrated that the synagogue in Corinth could be used to introduce traders of the same profession.\footnote{Acts 18:1-3.} By strictly confining this examination to the study of professional collegia, instances of merchant groups of this kind would be excluded. The synagogue community was a group that was concerned, at least nominally, with the religion, rather than the labor, of its members, but members, and even visitors like Paul, understood that it was also a body that could be utilized for building a social and economic network. Venticinque has recently argued that all these elements, the economic, social, and religious, feed constructively into one another, and it is functionally useless to assume that a group focused on a particular collective action or identity was not also contributing to the social and economic lives of its members.\footnote{Venticinque, \textit{Honor Among Thieves}, 37–39.} Thus, groups of all kinds will appear in this chapter, though preference has been given to those that seem to have a professional focus, since all these associations show us techniques that could be used to protect the reputation of the group and its members.

Finally, it is important to note from the outset that this chapter will not solely focus upon collegia because of the specific nature of the evidence around them. Whether as a natural byproduct of historical preservation or as a reflection of ancient practice, collegia appear overwhelmingly as an urban phenomenon. The formalized structures of collegia work well in instances where a quorum of members of the same trade may be
easily and regularly assembled, and it is possible that this model was not as easy to institute in rural settings. Merchants in rural contexts also collaborated, and our evidence shows that many kinds of less-formal groups and networks formed outside of cities, but it is only from Egypt that we are beginning to see how rural organizations may have developed and operated. Nevertheless, we cannot treat these examples as paradigmatic for rural settings without more corroborating evidence any more than we can impose an urban model upon the countryside without strong grounds.

It is only by presenting a wide range of groups gathered from many differing contexts that we can begin to assemble a set of strategies that merchant groups could use to project and present their reputations, and formal, urban collegia provide only one model of professional organization. Merchant associations in the Roman Empire did not exist in neat binary categories of formal-informal, urban-rural, or evanescent-enduring, but each fell at points along numerous spectra, including size, social and financial capital, among many other factors. Some were explicit about their purposes and organization structures, while others leave us with the results of only a particular moment in their history. Our evidence is such that it is often difficult to determine many details about a particular group. We are faced, most often, with single, isolated attestations, and, while each presents us with a point from which we may extrapolate and reveals something that was possible in that particular context, it is only from the sum of these examples that we can identify some general strategies that some groups employed.

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571 Venticinque, *Honor Among Thieves.*
Group Reputation Strategies:

As with individuals, groups bore a reputation. In the same way as a person, a group held a character and its collective actions, as well as those of its members, generated a set of opinions that were held by individuals and the community more broadly. The reputation of the group was as malleable as that of a single person but it required the cooperation of at least a portion of its membership if it hoped to convey a particular, and clear, portrait of itself. The group was, in some cases, restricted by its dependence on the cooperation of its members, but it was also benefited by the resources, both financial and social, that members could muster.

At base, the reputation of groups was often displayed in the name of the group. In the case of professional associations, these labels generally identify the type of trade members were engaged in, associated with some kind of collective label. These labels often described the nature of the social relationships among the members, and it is from this that we know some professional associations involved dining activities, leading members to be called “feasters” or “drinkers,” while others styled themselves as family, referring to themselves as “brothers.” Many referred to the friendship among the members, to the extent that references to friends, amici, often seem to refer to relationships that were given structure by group membership. As attestations of

572 Still defined as: the opinion, or collection of opinions, held about an individual's character or behavior based on available information, derived from a variety of potential sources, based on Allport, The Nature of Prejudice, 191. See chapter four for discussion.
573 Donahue, The Roman Community at Table During the Principate, 126ff.
574 Harland, “Familial Dimensions of Group Identity: ‘Brothers’ (ΔΕΛΦΟΙ) in Associations of the Greek East.”
575 Archibald, “Making the Most of One’s Friends: Western Asia Minor in the Early Hellenistic Age”; Fitzgerald, Greco-Roman Perspectives on Friendship; Konstan, Friendship in the Classical World; Verboven, The Economy of Friends; Verboven, “Friendship among the Romans”; White, “Friendship: Ancient and Modern.” Some examples, like Mithres, are clearly commercial, for actual amici groups, see MacMullen, Roman Social Relations, 77–76, n.71.: amici subaediani, CIL X 6699.
reputation, these names presented amicable relations, suggesting that members were kind, responsible people who looked after each other. Feasters and drinkers presented themselves as the kind of people you might want to grab a beer with after the work of the day was done.

These names also share a feature examined in the previous chapter: they commonly refer to the locality in which groups of merchants lived and worked. While an individual might refer to his specific place of work, merchant groups are likely to be known by their neighborhoods, often lending their name to particular districts. This was especially true of artisans, whose work often required the cooperation and collaboration that is clearly attested in our sources. Furthermore, as discussed in the previous chapter, proximity among merchants of the same trade made it easier for customers to locate the goods and services they needed within the city or settlement.

A clear example of this phenomenon comes from the city of Rome, where retailers often congregated in the same areas over long periods of time. The Forum Boarium, located along the Tiber between the Palatine and Capitoline Hills, gained its name from the sale of cattle starting in at least the 3rd century BCE. The place retained the same name, and, evidently, the same purpose, throughout antiquity, though we have evidence for a wider range of uses than as a meat market alone.

576 MacMullen, *Roman Social Relations*, 18, 72–73.
577 Augustine, *Confessions*, 6.9 describes silversmiths having their own neighborhood, *vico; de Civ. Dei* 7.4 he describes the smiths dividing up the stages of production and working together to complete a commission.
578 There are numerous attestations across the empire of marketplaces that are names for the kind of commercial activity that took place there.
The most obvious attestation of this variety of purposes is the so-called Arch of the Argentarii [Fig. 6]. Most correctly, the structure is not an arch, but a *porta*, a gate, as it lacks the curvature of an arch, and was commissioned by a group of tradesmen that included not only *argentarii*, bankers, auctioneers, or possibly silversmiths, but also of cattle merchants, *negotiantes boarii*. The monument was erected at the entrance to the Forum Boarium in 203/204 CE as an euergetic offering to the forum that honored the imperial family of Septimius Severus.

The iconographic program of the arch is slightly complex, as the commissioners clearly attempted to display many of the common themes in Severan imperial art, with its images of the imperial house sacrificing, and it accommodated three instances of *damnatio memoriae* that occurred in quick succession after its completion. The Arch of the Argentarii’s main iconographic program is in honor of the imperial family and the reliefs on the inner sides of the pilasters show Septimius Severus and Julia Domna engaged in sacrifice on one side (originally with Geta), and Caracalla (originally with his wife and father-in-law) on the other. The panels below the inner reliefs depict a bull about to be sacrificed. Garlands are suspended by Victories above, and panels with

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579 Also known as the Arcus Argentariorum, or the Arch of Septimius Severus in the Forum Boarium, LTUR v.1 pp. 105-106, pl. 57, see also De Maria, *Gli Archi Onorari di Roma e dell’Italia Romana*, 185, 308; Pallottino, *L’Arco degli argentari*.

580 Richardson, *A New Topographical Dictionary of Ancient Rome*, 29. has suggested auctioneers, which is attested in the Digest and Suetonius. This is a plausible interpretation, though an identification of *argentarii* as bankers and even silversmiths is more common. In what follows, we will assume that they were bankers or moneylenders of some kind, though the evidence is, ultimately, inconclusive. It is likely, whatever their profession, that their work was interrelated with the cattle trade.

581 LTUR. The first case of *damnatio* was of Gaius Fulvius Plautianus, Caracalla’s father-in-law, in 205CE, the second was Caracalla’s wife, Plautilla, who was exiled and then executed in 211CE, and the third and last was Caracalla’s brother, Geta in 212CE, following his execution. We lack the means to date the exact timing of the erasures on the Arch of the Argentarii, but both the inscription and the iconography were thoroughly emended at some point or points following these events. On *damnatio* in this and other cases: Varner, *Mutilation and Transformation: Damnatio Memoriae and Roman Imperial Portraiture*, chap. esp. 8; Flower, “Damnatio Memoriae and Epigraphy”; Elsner, “Iconoclasm and the Preservation of Memory.”
religious objects below, surround these scenes of sacrifice, as well as the one extant panel on the outside of the piers,\textsuperscript{582} which depicts Parthian captives led in triumph. On the fronts of the piers and sides, which viewers approached first, more bulls and a scene of cattle-herding are shown. The east-facing fronts of the extant pilaster depicts a figure, now badly worn, in a short tunic, whose identity has been the subject of inconclusive speculation.\textsuperscript{583} On the architrave, to either side of the inscription, discussed in full below, are two small figures, one of Hercules, the presiding deity of the Forum Boarium and a favorite patron of emperors, and the other of, perhaps, the emperor’s genius.

This collection of images is complicated enough, but the arch shows several signs that pieces of its program may have been intentionally left in a rough state, while others were crisply defined.\textsuperscript{584} Furthermore, it has commonly been read in scholarship as an adoption or adaptation of imperial forms of representation by a non-elite audience.\textsuperscript{585} It is often put into dialogue with the other, near-contemporaneous, Arch of Septimius Severus in the Forum Romanum, and it is noted for the emphasis that it places on the imperial family, rather than the military prowess of the emperor, despite the fact that the theme of victory over the Parthians is shared between the monuments.

\textsuperscript{582} The other side was incorporated into the wall of San Giorgio in Velabro in the 7th century CE.
\textsuperscript{583} LTUR suggests either Caracalla or a patron of this association of merchants.
\textsuperscript{584} Elsner, “Sacrifice and Narrative on the Arch of the Argentarii at Rome.” notes that the north face, in particular, seems to have been only roughly blocked out and is now mostly brick, with a few small friezes of procession toward sacrifice. Richardson, \textit{A New Topographical Dictionary of Ancient Rome}, 29. believes that the arch may have been the ceremonial entrance to a guild building. This is unsupported by any evidence from the site, except the rough north side of the monument, and seems unconvincing.
\textsuperscript{585} Though the quality of the craftsmanship of the arch itself suggests that the artisans involved in the project were among the best for hire, and there is a corresponding likelihood that the \textit{argentarii} and \textit{negotiantes boaritii} were prosperous, successful merchants and would have seemed elite to small traders such as the Egyptian Sotas. Elite-ness was both relative and a spectrum along which many lay.
Nevertheless, the iconography of Arch of the Argentarii highlights several features that were of local significance. Immediately apparent is the representation of cattle at the entrance to the cattle market, especially because the sacrificial procession frieze would have been directly at eye level of passersby. For cattle merchants, this would have been an obvious advertisement, and assertion of their role in the provision of sacred animals, as well as those that were needed for food in the city. The arch itself stood on a major route, straddling the *vicus Jugarius*, and ancient and major commercial thoroughfare that connected the Forum Romanum, the Forum Holitorium, and the Forum Boarium. Aside from its commercial role, the road also connected major religious centers in the city, including the important Ara Maxima in the Forum Boarium, one of the city’s oldest cult sites, which celebrated Hercules victory seizing the cattle of Cacus. This altar to Hercules was still important in the Severan period, as attested by an inscription from a Severan urban prefect,\(^{586}\) and the particular affinity that the Severan dynasty had with Hercules.\(^{587}\) The relief of Hercules on the Arch itself cements the connections between the imperial family, the arch, the Ara Maxima, and the Forum Boarium. While it is unclear whether a member of the imperial family ever saw this arch, it is most likely that they would have done so in relation to a sacrifice to Hercules, which makes the iconography of the arch particularly apt.

For non-imperial viewers, the arch itself was a commanding topographical statement that shaped the way that they engaged with the Forum Boarium and the city beyond it. Whatever the state of the *vicus Jugarius* prior to the arch’s construction,

\(^{586}\) CIL VI 312, the prefect boasts that he had performed the annual rites to the god.

\(^{587}\) Rowan, *Under Divine Auspices*, chap. 3.
following its completion travelers, tradesmen, locals, and passersby were all forced to adjust their movements through the arch’s central passageway to take advantage of the good road and avoid other potential obstacles. The arch constrained free travel, making it difficult, if not impossible, to walk around or off the edge of the roadway. It also would have structured the movement of carts and animals, as the width of the passage would have forced everyone to file through in a semi-orderly fashion. 588

While waiting to enter, or passing through the arch, travelers would be encouraged to read the inscription on the lintel, which named the project’s patrons, as well as to view the large panels of the imperial family, and smaller friezes of sacrificial procession. In the latter case, their own procession with animals for sacrifice or sale through the arch might have been pleasingly mirrored. At times when traffic was slower, the arch would have provided a cover from rain or shade from the sun, and its decoration would have been a welcome distraction for those waiting there. Furthermore, the arch constrained and directed the view of the forum as people entered, and of the road and city beyond as people left. 589 The arch created a lens that revealed the space and gave the merchants involved in its commission some power over, and claim to, the forum.

For all the energy invested in this monument’s design and placement, we know very little about the group or groups that commissioned it. Though their monument is

588 Platner, *A Topographical Dictionary of Ancient Rome*. measures the passage at 3.30m, probably allowing two carts, or about four oxen, to pass at a time. However, De Maria, *Gli Archi Onorari di Roma e dell’Italia Romana*, 308. measured the passage at only 2.91m. This is still wide enough for traffic to pass but may have required carts to go one at a time.

589 There has already been some work on these kind of sight lines, based on the Arch of Constantine, Marlowe, “Framing the Sun.” It is currently impossible to conduct a similar study on the Arch of the Argentarii because of the arch’s current preservation within the church wall. In any event, the Arch of the Argentarii is north-south facing, which meant that light would pass across its south side, so it probably lacked the solar associations that seem to be essential to the Arch of Constantine.
among the largest in Rome established by a group of private individuals, there is no other attestation of the argentarii et negotiantes boarii acting together. The arch’s inscription offers no insight about the nature of the group’s structure, nor does it necessarily point to a substantial and regular alliance between these two professional groups. Though there is no evidence either in favor or against, it is entirely possible that the collaboration on the arch was the sole project undertaken by the group. However, the alterations and erasures to the arch’s iconography do suggest that at least some members may have kept an eye on the arch after its completion. This would have been simple enough, given the arch’s important location and the regular business that these tradesmen had in the forum. It can be assumed that they viewed the arch as they, too, came and went from the forum, and, since all the changes to the arch seem to have been made within a decade or so of its commission, it is likely that some of the original merchants were still active in the forum when the last proclamation of damnatio memoriae was made. There is no evidence to suggest that the alliance of argentarii and cattle merchants survived beyond this single generation, nor, alternately, to suggest that they did not remain in league for centuries to come, albeit very quietly in archaeological terms. Certainly, the Forum Boarium remained a cattle market, so it is probable that both argentarii and negotiantes boarii found reasons to work in the space, whether or not they constituted an association of any kind.

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590 Bearing in mind, of course, that its iconography seems to have never been fully completed or was only completed to a certain, now opaque, standard.

591 It is unclear whether the commissioners would have been asked, or voluntarily chosen, to chisel out imperial family members subjected to damnatio memoriae themselves, or if the erasures were done by some kind of official or officials.
Of course, within the generation when they were visibly active, the group achieved a great deal. Even on its own, the project of the arch would have required substantial organization, both of men and resources, and, whatever the arrangement, the members of this group were indisputably effective at executing their plans. They successfully pooled financial resources, and rose to the challenge of commissioning, hiring, and overseeing a project that likely took a considerable amount of time to complete.

What little we know of their organization we know from the inscription they commissioned for the arch. After five lines of imperial titles clarifying the members of the Severan Dynasty to which the arch was offered, the merchants conclude with a short note about themselves:

…ARGENTARI(i) • ET • NEGOTIANTES • BOARI(i) • HVIVS LOCI QVI INVEHENT DEVOTI • NVMINI • EORUM.

…The bankers and cattle merchants of this place, those who will bring in (goods), devoted (this) to their divinity.592

This line is slightly larger than the text before it, and it answers the critical question of who built the monument and why. From the ground, this line would be the most visible, simultaneously being closest to the viewer and having the largest text. This is sensible, since the protracted lines above merely include information about the emperor

592 CIL IV 1035, line 6, Richardson, A New Topographical Dictionary of Ancient Rome, believes that boari refers to the location, rather than to the group of people, and that it was the argentarii and negotiantes who organized this monument. He believes that the negotiantes were some kind of wholesale trades, but does not hypothesize what wares they may have dealt in. I side with MacKinnon, “Pack Animals, Pets, Pests, and Other Non-Human Beings,” 123. that these are cattle dealers, because of the iconographic emphasis on cattle and because boari as a locational description makes huius loci redundant, when it was clearly part of the original inscription. The antecedent of eorum in this line is the imperial family, whose names are listed in the lines above, not the merchant-dedicators. For a discussion of the text, and its historical translations, see Daguet-Gagey, “L’arc Des Argentiers, à Rome À Propos de La Dédicace Du Monument (CIL VI, 1035 = 31232 = ILS 426).” See also the discussion below.
that was likely to be common knowledge. Yet, as a description of the commissioning party, this line of the inscription is odd. The first five words are large and clear, as are the final three, but from LOCI through INVEHENT the words are crammed together and even are placed on top of one another, with two rows of text forming in the middle of the line. LOCI QVI rests atop INVEHENT. It is possible that this was a simple error. The space is adequate to accommodate LOCI, which seems a logical choice for the passage, while QVI INVEHENT, as a subordinate clause, seems unnecessary for the content. It is likely to have been a later addition to the text, and the edit may have coincided with one of the instances of damnatio memoriae. As a result, it seems that both the text and images were carefully monitored by at least some members of the original association. While the damnatio memoriae was probably encouraged, if not actively enforced, by the imperial household, the emendation of the text of the inscription, as it referred to the commissioners, was not of interest to an imperial authority, but only to the original group itself.

However, the inclusion of QVI INVEHENT requires some further explanation. In the first place, invehent is in the future tense, which has led to some consternation among commentators. Generally, a present tense, invehunt, is substituted, and the vowel change is attributed to a simple mix up. Andrea Giardina believes the future tense to have been intentional, and interprets the phrase to be, “those who will import.” 593 This reading is tempting, as it suggests that the arch was not only a display of loyalty to the imperial

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593 Giardina, “The Merchant,” 263. The translation of “import” was first suggested by Heurgon, “L’Arc Des Changeurs, à Rome.” He believed that this referred to a specific policy of Alexander Severus based on the attestation of SHA, Alex. Sev. XXII, 7-8. If correct, this would explain the emendation, but push its date significantly later than the arch itself. The future tense of the verb would then note the novelty of their willingness to import cattle. See De Maria, Gli Archi Onorari di Roma e dell’Italia Romana, 185 n. 30. for a full discussion of the history of this translation issue.
house, but also functioned on the site as an advertisement for the bankers and cattle merchants, or at least those who were willing and able to do the extra work of importing goods for their customers. Whether or not we accept this view, the critical impact of these two words is that they serve as a delimiter, identifying the group of merchants even more specifically, while excluding those who did not contribute to the arch.

As it stands, the arch and its inscription are associated with a group of merchants who seem to have been informally convened. They do not describe themselves as a *collegium*, nor do they portray themselves as a group of brothers, friends, or some other relation. Based on the location of the arch, at the edge of a major trading area, as well as the words HVIVS LOCI, we infer that these were men who worked in the forum and who encountered each other with some regularity there, if not in a formal meeting. More than that, the location defines this group, who think of the space as their own and as one of the most essential features of their businesses.

The commission and subsequent completion of the arch suggests that they had an amicable relationship, particularly since the project required that they pool assets in order to pay for materials and labor. We do not know how many traders were involved, but their numbers were great enough that the monument does not list the names, instead identifying the group, which consisted of members of two different professions. Still, the commissioners did not feel that this was sufficient description to identify those who had been involved. The first version of the inscription highlighted the topographical connection, that it was the bankers and cattle dealers of this place, rather than those of the whole city.
Once again, we see space forming a central position in the construction and presentation of identity. The *argentarii* and *negotiantes boari* who formed an alliance to complete this project conceived of themselves and their organization as belonging to the Forum Boarium, and their monument literally serves as a gate to denote which merchants belonged in that space, and which ones did not. However, this is complicated by the further description of *qui invehent* (or *invehunt*), which narrowed down the group still further. It immediately implies that there were traders, *qui non invehent*, who would not bring in (or perhaps import) their goods, and consequently that there was something special about those who did or would. Within the space of the Forum Boarium, these merchants intended to set themselves apart.

The *argentarii* and *negotiantes boari* presumably hoped to use the arch as concrete evidence for the important position they occupied in the forum and in the economic activity of that place. After its completion, they would have been able to bring in their goods through their gate, and to point to their monument as a sign of their belonging in the place. Furthermore, they shaped the topography by establishing a new landmark, a spot that would become a meeting place and locus for memory, both about the imperial family, as the images were edited and changed, but also of the men who were involved in the arch’s construction. A monument of this scale, and one that was also along a major thoroughfare, would effectively attract this kind of position within the neighborhood community, and would promote the commissioners of the arch at the same time.

As a reputation strategy, the construction of a large monument is an effective and dramatic statement, as well as one that had the ability to ground merchants in a
community in a physically obvious way. As we will discuss further below, many merchant groups were at risk for being seen as “foreign” or as “interlopers,” both because of their mobility and because many were not landowners and did not conform to that model of *romanitas*. The Arch of the Argentarii combated these kinds of accusations by making a visible, expensive contribution to the forum and by using the visual language of the imperial family. They physically claimed a place by the construction of the arch and adopted a Roman visual language to express their allegiance to, and awareness of, the Roman state.\(^{594}\)

This strategy is seen at a variety of scales across the empire. Comparable with the gate in the Forum Boarium is the dedication of the *collegium centonariorum*, the guild of the textile workers, in Apulum in Dacia.\(^{595}\) This group, which seems to have been more formally affiliated, set up a meeting hall, complete, as they boast, with a pediment, and paid for with their own funds, *pecunia sua*, exclusively.\(^{596}\) This group also grew in power and importance in the Severan period, and there seems to have been some relationship between the guild and the military stationed in the region.\(^{597}\) The meeting hall has not yet

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594 Similar strategies are at work at many of the *plateiai* in Roman Greece, Apameia, for example had a *plateia* built by a group of shoemakers, see Mayer, *The Ancient Middle Classes*, 2012, 79.

595 Apulum is also known as Alba Iulia

596 CIL III 1174, 202-205 CE, Apulum, Dacia, a marble plaque: PRO SALUTE AUGGG(ustorum) | L(uci) SEPT(imi) SEVERI PII PERT(inacis) ET M(arci) | AUR(eli) ANTONINII IMPP(eratorum) [et P(ubli)] SEPT(imi) | [[Getae Caes(aris)]] COLL(egium) CENTONA||RIOR(um) SCHOLAM CUM AETOMA | PECUNIA SUA FECIT DEDICANTE | L(ucio) POMP(onio) LIBERALE CO(n)s(ulari) DAC(iarum) III, For the welfare of our two emperors, Lucius Septimius Severus Pius Pertinax and Marcus Aurelius Antoninus Publius Septimius Geta, Caesar, the association of textile workers (*collegium centonariorum*) built a meeting hall (schola) with pediment (i.e. triangular top) with their own money. Lucius Pomponius Liberalis, consularius of the three Dacian provinces, dedicated this.

been identified in excavation, but was probably a substantial structure, one that conveyed the importance of the trade, almost certainly wool-working, in the town and the region.\footnote{Wool-working in Dacia discussed in Oltean, \textit{Dacia}; Liu, \textit{Collegia Centonariorum: The Guilds of Textile Dealers in the Roman West}. A comparable donation might be that of Eumachia in Pompeii, who seems to have been patron of the association of fullers in the city, as determined from a statue dedicated to her by the guild (CIL X 813, EUMACHIAE L(ucii) F(iliae) SACERDellipsis; EUMACHIAE L(ucii) F(iliae) SACERD(oti) PUBL(icae) FULLONES). Eumachia donated a building on the Pompeian forum, which some (e.g. Calpino, \textit{Women, Work and Leadership in Acts}, 125–26.) believe to have been a meeting hall for the association, while others, more rightly, do not assume an immediate connection (e.g. Flohr, \textit{The World of the Fullo}).}

However, despite the similarities of a structure being erected privately to celebrate and promote the work of merchants, the Dacian example demonstrates a slightly different reputation strategy at work. Whereas the Arch of the Argentarii simply honors the imperial family and then dedicates itself to giving credit to the commissioners, the Dacian inscription also mentions a dedicator, Lucius Pomponius Liberalis, who was a former consul and controlled the three Dacian provinces. Liu believes that he was governor of at least one province at the time of the inscription, and he was undoubtedly an important man in the region, probably for both civil and military reasons.\footnote{Liu, \textit{Collegia Centonariorum: The Guilds of Textile Dealers in the Roman West}, 48.} The inscription states that Liberalis was the dedicator, almost certainly of the building, with the inscription established later to commemorate the event. He was a high-profile official to be involved in such a project, and it seems clear that the \textit{collegium} hoped to benefit from association with such an important man. The exact nature of their relationship is unclear, however.

Apulum was an important military site, consisting of a large \textit{castrum}, as well as a settlement. Liberalis may well have used the site as a base during part of his tenure in the province, and been available for a largely formulaic, impersonal dedication. On the other hand, he may have had a serious relationship with the \textit{collegium}, due to his need to source woolen goods for his army.
Whatever the nature of the relationship between Liberalis and the guild, it is clear that it was in their interest to play up their relationship with the governor. The guild may have hoped that honoring Liberalis in this inscription would translate itself into favors for the organization or its members in the future. As we have seen in previous chapters, some collegia secured tax exemptions and other benefits from the state. By asking Liberalis to dedicate their building, but paying for the building themselves, the guild may have hoped to convince him to offer them a similar arrangement. If nothing else, mentioning Liberalis suggested that the guild held his approval, even if he had not specifically offered it. Even tacitly, or, more deviously, by implication only, his approval was a valuable commodity, as it established that the guild had strong ties to the imperial center and suggested that they were endorsed by powerful and important people. Naming Liberalis may have been intended as a strategy to encourage local or regional elites to contract with the guild. If nothing else, it was a positive association that the guild could build upon: they were not at odds with the Roman government and therefore were likely to be good, upstanding people.

However, not all merchants could associate with important Roman officials, and not all groups could afford the expense of constructing an entire building or a free-standing monument. The unique preservation of Pompeii, that gives us intact plaster on the exterior walls of shops and other buildings, reveals some alternative means of commemoration and displays reputation strategies that less-wealthy merchant groups could undertake.

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600 See chapter one, especially.
A particularly fine example of these strategies is a large wall-painting [Fig. 7] from a shop façade that shows a group of carpenters carrying a litter, known as a *ferculum*, in a public procession. The litter seems to display a statue of Daedalus, the master craftsman, standing over another figure, possible the body of an apprentice he killed, as well as figures engaged in carpentry. The scene was painted on the exterior walls of a workshop, along with another image of Daedalus, making the wooden cow for Pasiphae, Minerva, and Mercury. This trio of divinities, along with the image of the procession, corroborated the initial belief that the building was a carpenter’s workshop, as all the gods can be interpreted as guardians of either commerce or artisanal work. The wall-painting was located on a pilaster between two entrances, one to the workshop, the other to a structure we call “the House of Tullius.”

The interior of the shop is a small space, consisting of a single room, linked to other spaces within, which may have been populated by a single merchant, or perhaps small collection of merchants. Yet the identification of the shop is of secondary importance next to the information that this procession scene communicates. In it, we have evidence of a different kind of reputation strategy intermingled with one that we have already seen. Though on a different scale to, and in a different medium from, the benefactions of the textile workers of Dacia and the merchants of the Forum Boarium, the publicly available painting of artisans at work also provides a visible reminder of the

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601 Image now in the Naples museum, painted on the pilaster between VI.7.9, the House of Tullius, and VI.7.8 Workshop.
602 Site was initially interpreted by Mau, see: Leach, *The Social Life of Painting in Ancient Rome and on the Bay of the Naples*, 188. For a detailed reading of the shop in the context of work: Clarke, *Art in the Lives of Ordinary Romans*, 85–87.
603 No dimensions are available for the space from the 19th century excavations. On production spaces in Pompeii, more generally, see: Flohr, “Nec Quicquam Ingenuum Habere Potest Officina? : Spatial Contexts of Urban Production at Pompeii, AD 79.”
presence of these tradesmen in a place, as well as advertising the work and contributions of merchants to the city. As shown in the previous chapter, this is a reputation-building strategy that contributed to the good name of individuals, in this case probably the owner of the workshop above all, through its implicit claims to competence, quality, and probity. In this case, however, the same tactic also promotes the group, as the image shows a team of artisans who worked together to complete commissions from this workshop, as well as the activities that they undertook together in society. Both the individual and the group benefit from the existence of the image, though, in all likelihood, the owner or leader of the group benefited more.

This strategy is clear, and has already been discussed, but this image shows another ploy that a group of merchants might try to present themselves positively in their community. The image records a plausible real-world occurrence: a procession through the city with a religious purpose. It may have been a particular festival in honor of Minerva, or a more general celebration of divine favor, but, whatever its exact reference, it was clearly an activity in which at least these merchants took part with collaborators. The scene shows a litter that was custom-made, designed to fit the particular profession and needs of the group. At the center of the litter two figures appear sawing a board, while, at the far left, under Minerva’s watchful eye, another figure works at a table with a plane. At the right, and the front of the litter, Daedalus stands contemplating a

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604 Minerva is visible only by her shield at the extreme left of the damaged image.
605 For details of the work, see Ulrich, *Roman Woodworking*, 44–45.
body, sometimes interpreted as his nephew Perdix, another master craftsman whom
Daedalus killed out of envy.\textsuperscript{606}

These carpenters were making a claim about their enviable skill, while
recognizing the primacy of Daedalus in their field. It is clear that these craftsmen
dedicated considerable effort to the creation of the litter, as real-world object, and that the
shop owner invested funds in recreating it in fresco. The construction of a litter this
elaborate, if the painting reflects some related reality, would require an investment of
funds and labor, and displayed some of the skills that the carpenters hoped to advertise.
The later commemoration, memorializing it in the fresco, though itself a further
expenditure, was another means of benefiting from the initial project, by preserving the
memory of the litter, exactly, or perhaps even slightly better, than it had really been. The
painting displays the litter’s pediment roof and shows how it was covered in elaborate
garlands and flowers, brought out in green and red in the painting. This effort is
supported, literally and figuratively, by the bodies of the four men who bear the litter.\textsuperscript{607}
They lean heavily on canes to support the weight above them, and are clearly in motion
forward, following an unseen procession. In the real world, we can imagine these men
engaging with the crowd that watched them. We have evidence to suggest that many
religious processions were accompanied by music and singing, as well as by general
jocularity and socializing.\textsuperscript{608}

\textsuperscript{606} Pausanias, Ἑλλάδος Περιήγησις, 1.21.4 recounts the story, calling the boy by the name “Κάλως,” Ovid,
\textit{Metamorphoses}, 8.241 calls him Perdix, and explains that Minerva rescued him from death by transforming
him into a partridge. Minerva’s appearance on the litter may be mean to signify this version of the story.
\textsuperscript{607} Three full men are visible, a fourth can be inferred from the hand holding a cane that extends from the
left edge of the image.
\textsuperscript{608} Latham, \textit{Performance, Memory, and Processions in Ancient Rome}, 34, also Augustine, \textit{De Civ. Dei},
7.26.3, which talks specifically of parades of Christian icons in the theater.
Though the precise details are unknown and unknowable, we can imagine that the carpenters called out about their identity or were addressed by friends and acquaintances in the crowd. Whatever the exact events, the group was participating in an activity that was visible to the whole community, and they participated specifically as carpenters, as representatives of their workshop and profession. Across the city of Pompeii, another image of a procession, this time in honor of Cybele, depicts something of the atmosphere that such events might create [Fig. 8].

This image, which decorated the right-hand side of the entrance to a taberna, shows the cult statue of Cybele being carried in procession, surrounded by a crowd of priests and worshippers, including some who carry musical instruments.

Contributing their time and money to the event brought the carpenters and their work to the attention of the neighborhood and associated them with the common feeling of celebration. The carpenters bolstered their reputation by their commitment to the event, which improved the experience of everyone there and also demonstrated their dedication to their religion. The wall painting perpetuated the memory of the day’s events and helped to prolong the good feelings and positive associations that the day engendered.

Of course, a litter as decorative and complex as the one in the painting may have been used on more than one occasion and may have been the work of more than one workshop. It seems plausible that, having invested themselves in this project, the

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610 Interestingly, the left-hand side of the doorway shows an example of Venus Pompeiana, the deity that appears directly above the frieze of Verecundus’ workshop, discussed again below and in chapter four.
carpenters used the litter more than once, perhaps at a single annual event, or, more often, on festival days for Minerva, or even other deities. Multiple workshops may have pooled resources, money or labor, to construct the litter, with only one of the contributors choosing the commemorate their contribution with this image. Whatever the case, it is possible that the carpenters used the litter concurrently with the fresco-representation appearing on the wall, making it into an echo of ongoing, real-world practices. If this were the case, the litter may well have stood in as a kind of symbol for the group, and the wall painting would be a means of connecting the workshop to the men who walked in the procession. The intricacy of the litter would then be a true advertisement, and the carpenters of at least this workshop could use the fresco as a landmark for directions, since they worked in the shop that matched the litter they carried.

For those who attended these processions, the litter may have even been an anticipated sight if it appeared often enough. The litter would have needed to be stored when not in use, but it did not necessarily fade from the viewers’ minds in between. The myth chosen by the carpenters certainly was a memorable one, particularly as it does not seem to have been a common Pompeian image, and was probably intended to stick in the mind. The carpenters may have been trying to associate themselves and their litter with a particular myth and a particular event. With regular appearances, the audience may have expected it to appear, and looked forward to revisiting its story and seeing how it would be decorated with perishable flowers this time. For those who also lived near the shop, the litter was also a painting they saw regularly come to life. At a stretch, such an

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611 Far more common are Daedalus and Icarus, though the story of Daedalus and Pasiphae is also common. Perdix appears in an example from the House of the Vettii (Regio VI.15.1) but the young man is living and working in that case.
object might come to represent a district or neighborhood and evoke pride not only for
the carpenters and their skill, but for the way these men represented the community.

Altogether, this tactic presented the carpenters of this shop in an excellent light.
The image and corresponding litter advertised the carpenters and their shop or shops, as
well as demonstrating some of their practical skills. By walking in a procession and
carrying icons of the gods, they made their piety a matter of public record, and in this
case, their religious devotion directly aligned with their economic interests. They were
able to honor their patron deities in both their actions and their commissioned art. In the
end, the painting commemorated their participation in, and dedication to, public life, in a
way that directly benefited their relationship both in the immediate neighborhood and the
wider community of Pompeii.

We have already seen a similar strategy put to use, but in still more humble
circumstances. The fullery of Verecundus has been examined in the previous chapter,
particularly in light of what Verecundus was claiming about his reputation and that of his
shop. However, he also carefully depicted his workers, the coactiliarii, in his imagery.
For Verecundus, this was a statement about his social and economic status: he could
employ others, either free men or slaves, and his business was correspondingly successful
and important. However, this same scene, showing the workers busily operating
Verecundus’ workshop, was marked by graffiti. Much of the scratching is merely
repetitions of Verecundus’ name, repeated over and over, but the longest text is a

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612 Something that is visible in the forum of Pompeii, where the fullones, led by their patroness Eumachia,
among other tradesmen, displayed their dedication to the imperial cult. The cult of the emperor was also
important in the macellum of Pompeii, where a room was likely dedicated to the imperial cult.
statement from, we assume, the very men shown in the image, by the *coactiliarii*, who offered their support for a particular candidate for aedile.613

The aedile would have been the most important official that the fullery workers were likely to encounter, as he was responsible for enforcing many of the day-to-day regulations that the *coactiliarii* were beholden to. As we discussed in chapter three, the connections between tradesmen and their local officials were often close ones, and this inscription hints that those ties may have been forged even before an official was elected. Despite the unofficial nature of the support they offered, it was not meaningless, and it is conceivable that a prospective official might even court the approval of more influential groups of merchants as well as accepting support from them. A particular group’s support might well influence the opinion of others in their profession or convey a more general sense of the community being behind a particular candidate, giving that person’s campaign momentum.

Even if support of this kind did not directly contribute to winning the election, the *coactiliarii* were publicly presenting themselves, first as a group that self-identified as having a common interest in this candidate, and second as engaged members of their community, who cared about the outcome of the election. Even carelessly scratched into the wall, they were making a number of claims, including, perhaps, their eligibility to vote, and therefore their status as free men. That they wrote on the painting that depicted their work also helped to clarify that they were free workers and identified them just as surely as the various repetitions of the name “Verecundus” did. Accordingly, the text

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613 CIL IV 7838, *VETTIUM FIRMUM | AED(ilem) QUACTILIAR(ii) ROG(ant)*, “quaetiliarii” is a local spelling variation on *coactiliarii*. 
seems to put words into the mouths of the figures shown, and re-inflects the scene, perhaps even undermining the initial meaning that embellished the reputation of Verecundus, by contributing to that of the workers.

While their statement may have reached a smaller audience than the larger and more expensive strategies employed by other groups of merchants, their effort to shape their reputation is the result of the same impulse to want to display themselves in the best possible light. These *coactiliarii* seem to have been a small group, possibly consisting of only the employees of Verecundus, but it is also possible that, particularly in this area, which was home to a number of fulleries, the group included more members and the message scratched into the fresco may not have originated among those employees alone. Whoever the author, the graffito provides the *coactiliarii* with a voice that proclaimed them to be a group of merchants who were employing their own reputation strategies, separate from those of their employer.

These four cases offer us a range of group responses to the challenge of reputation management. Each found a way to present a version of their collective identity, and, as we have seen, most employed a tactic that helped to integrate them with the wider community. This could be their immediate neighbors, the town or city, or even the empire as a whole, but in each case, the reputation of merchant groups was linked to a role in public life. These associations hoped to demonstrate that they belonged and contributed, and this strategy sometimes had the added benefit of securing privileges or good relations with local officials. Central to these efforts is the notion that these merchants were successful in their professions, and that their work was of value to the society in which they lived and worked.
Reputation Reception and Stereotype Threat:

However, this claim, that merchants, particularly in groups, were valuable contributors to society, flies in the face of much of the evidence preserved about merchants. It also returns us to the question of how reputation strategies were received, and by whom. We have already discussed this in two different, complementary ways: first, that reputation is a dialectical process, that requires another to receive, store, and communicate it, and second, that reputation strategies were performative, and required an audience, one that might vary in size or other qualities, such as status, social influence, or, importantly, willingness to accept the self-portraits that these strategies created and promoted.

The audiences for the various reputation strategies discussed above were all clearly different, and some merchant efforts were undoubtedly more widely received than others. However, our evidence for the reception of merchant reputation strategies is rather thin. We lack responses to specific merchant efforts, and our writings about merchants generally come from elite authors who seem either to have rejected, or ignored entirely, the work merchants did to improve their reputations. Instead, we have a number of vitriolic attacks against merchants that conform to clear stereotypical typologies, casting merchants as greedy, dishonest, anti-social, and predatory, despite their clear efforts to represent themselves in more positive ways. We must assume, and indeed we can sometimes see, that merchants found a more positive reception among some audiences, particularly those further down the social scale and within their own communities. However, “popular” statements about merchant reputations often share the biases that characterize the elite sources.
What these sources have in common is an external perception of merchants as a “group” that shares common features. Like this study, they conceive of merchants, tradesmen, and artisans as part of a single, overlapping category, and attribute particular characteristics to those who fit within their parameters. However, this is not a group according to our own definition, as this is not a collective that was aware of itself, cooperated toward a particular goal, or took its membership into consideration before it acted. Rather, what these sources have touched upon is a social category that was clearly identifiable from the outside but would have been unrecognizable by those within it. As we will discuss, this is a key factor in the development of stereotypes, which is precisely what this kind of categorization perpetuates.

However, in the pursuit of the ways in which merchant reputation was received, we must first look closely at sources that demonstrate some resistance to stereotypical treatments, or which show hostility toward merchant groups acting with their reputation in mind. These are, inevitably, rare texts, but we are fortunate to have two examples that offer us some insight. First, there is the oration, already mentioned in the previous chapter, of Dio Chrysostom, who ran into trouble when he attempted to embellish his hometown of Prusa by building new colonnades on the site of a blacksmith’s shop. Though not involving a group of merchants, the destruction of the shop does offer us a window into how a community might react to a merchant under threat and how Dio himself conceptualized all merchants as functionally identical.

Dio recounts how the people rose up to defend this artisan’s shop, as if it were a public monument of importance. He notes that some were even “violent in their

614 Dio, *Orations*, 40.8-9, see also 47.10.
protestations," about his evictions and demolitions, and that this crowd was focused on the defense of a particular shop, which was known by the name of the smith, whom Dio refers to as “So-and-so,” τὸ τοῦ δείνος.\footnote{Dio, Orationes, 40.8.} We have already discussed how this passage demonstrates the importance of place in merchant reputation, but in this context, it is the reaction of the community that is most interesting. This blacksmith had, evidently, made his place of work into a landmark of sorts, one that was particularly associated with positive memories.\footnote{Dio, Orationes, 40.8, χαλεπῶς ἔχοντες, εἰ μὴ μενεῖ ταῦτα τῇ υπομνήματα τῆς παλαιᾶς ἐνδαμονίας. Angry that these memorials of good old days were not to be preserved.} Whatever his business practices, he and his shop inspired considerable loyalty and held a good reputation. Dio implies strongly that it is particularly among his peers that “So-and-so,” enjoyed a good name, and that it was mostly these people who came to his aid.\footnote{Dio, Orationes, 40.9, ἀλλ᾿ ὁμοὶ ἦσαν οἱ … οὐχ ὅτι τῶν κιόνων ἐμελεῖν αὐτοῖς τῶν ἱκτιμένων οὔδε τῶν γείσιον… ἀλλ’ ἕνα μηδέποτε μεῖζον ἴμεῖς ἐκείνων φρονήτε. There were some…far from being interested in the columns which were rising…were interested only in preventing [the citizens of Prusa] ever feeling superior to that crew [of blacksmiths].}

As we will discuss shortly, Dio presents all of this as some kind of terrible joke, the actions of the worst of Prusa’s population who prevented the rest from ever rising to their rightful heights. He is dismissive of the value of the smithy and describes the shops and stalls as low, cramped, and crumbling. Dio is, ultimately, the audience that was least convinced of the value of the smith, and refuses to recognize his reputation, an action that had negative effects on Dio’s own good name, as he records, albeit dismissively, that he was called “the sacker of cities and citadels,”\footnote{Dio, Orationes, 47.11, regarding the same incident, which also suggests that the damage to Dio’ reputation was more lasting than he perhaps wanted to let on.} and had been the subject of “unpleasant talk,”\footnote{Dio, Orationes, 40.8.} as a result of his choice to proceed with the work.
Dio is not the only hostile source we have for the reception of the reputation of tradesmen. In fact, it is in these hostile sources that we often see the role of reputation strategies most clearly. When they are contested, they become visible to us, and we can examine when these strategies worked, and when they did not. The smiths and citizens of Prusa were ultimately, if Dio is to be believed, unsuccessful in defending this site, because their numbers were too few and Dio was too forceful. An example from Ephesus, preserved in the Acts of the Apostles, demonstrates even more clearly how a reputation strategy could be weaponized, and even show through the obfuscation of a source that wished to disguise its success.

The case is that of Demetrius and the silversmiths of Ephesus. Acts reports that members of professions related to icon-making, and particularly silversmiths, felt that their businesses were being threatened by the increased interest in Christianity, prompted by Paul’s teaching. They correspondingly “rioted.” The text recounts that Demetrius called together his peers, convinced them of the threat, and led the group, accumulating followers along the way, to the theater. The wording of Demetrius’ call to arms, however, is telling:

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'Andres, epistaste oti ek tauteis tis ergasiais h euporia emin estin, kai theorite kai akouete oti ou monon Efeuso alla schedon pasis tis Asias o Paulos ou tois peisas metesthsen ikanon ochlon, legon oti ouk eisin teoi oi dia cheiron ginomenvi. Oi monon de touto kindunedei emin to meros eis apeleugmen evle vein, alla kai to tis megalyis theais Artemiados ierov eis othenv logisthniai, mellein te kai kathairesthai tis megaleiostoton authis, hyn all [h] Asia kai [h] oikoumenh sebetai.
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“Gentlemen, you know that we are prosperous from this work, and you see and you hear that, not only in Ephesus, but practically in all Asia, this Paul has persuaded a large crowd to convert, saying that gods made by human hands are

620 For a similar strategy with law and violence see: Bryen, Violence in Roman Egypt, esp. 203-207.
not gods. And not only is it a danger that our business will come into disrepute, but also that the temple of the great goddess Artemis will not be considered important, and the temple will be deprived of her divine majesty, which the whole of Asia and the world worships.”

Demetrius is clear that the threat he perceives is both to his business and to the honor of Artemis. He fears that his trade will “lose its good name,” and through that loss, he and his peers will lose the income they have from their work. The explicit reference to reputation is unusual, but it suggests that the response of this group, namely to march out and seize Paul’s companions, was effectively a reputation strategy, designed to draw attention to their work and the threat it was under.

Like the carpenters in Pompeii, these tradesmen link their profession with their religion, at least from the point of view of the author of Acts, whose agenda colors the whole episode. Yet, for the readers of Acts, this was a plausible strategy for the silversmiths to have adopted. Whether or not the silversmiths were religious themselves, by connecting their trade with the largest and most prominent cult in Ephesus, they were able to motivate many in the community beyond their immediate circle. The chant of the mob that gathers is in praise of Artemis, rather than relating to the silversmiths, and this is the point of common feeling for the marchers, who, by the estimation of the author of Acts, at least, had no real understanding of why they were there. While this might imply that the crowd did not associate this action with Demetrius and the silversmiths, the text is clear that some at least understood this. When the city clerk addressed the crowd and asked them to disperse, he is clear that this march originated in a complaint by Demetrius and the craftsmen. While his point is that they must go through formal

624 Acts 19:38.
channels to charge the Christians, the outcome ensures that everyone present knew that these were the men who had rushed to defend Artemis.

The author of Acts attempts to convey that this was a disorganized, unruly mob that failed to achieve anything, while the Christians made many converts. However, by the author’s own admission, Paul was in serious danger and was forced to leave Ephesus shortly after this demonstration.\textsuperscript{625} Thus, Demetrius and the craftsmen of Ephesus secured the safety of their professional reputation and motivated others in their community to make their perceived enemy, and another merchant, unwelcome. This is a highly effective strategy, then, and one that found enough support to draw a crowd, and to sustain it, as it appears, for several hours.\textsuperscript{626}

Neither Dio nor the author of Acts was sympathetic to the position that these merchants were in and hoped to maintain. Dio is convinced these are lowly, backward people who are opposed to progress, while the author of Acts believes these are pagans who are driven by their love of their idols, but especially by their love of profit. Both bring us back to the stereotypes that generally surround merchants. Dio’s blacksmith is anti-social, lowly, and a blight on the community, while the silversmiths of Acts are greedy, self-serving, and immoral. These kinds of stereotypes appear consistently in our literature, though they take on slightly different casts depending on the authors and the profession in question. As we will argue, merchants were always aware of these stereotypes, and of the disadvantage that they were at automatically because of these common biases. Thus, as we have seen, merchant strategies often tried to signal their own

\textsuperscript{625} Acts 20:1.
\textsuperscript{626} Acts 19:34 records a full two hours of chanting in the theater, not to mention the time during the march before.
differences from these stereotypes, either through generosity or through community involvement.

However, before embarking on that argument, it is necessary to have an understanding of what constitutes a stereotype and how the specific types of stereotypes merchants faced were developed and maintained. Most modern definitions of stereotypes are drawn from that of Gordon Allport, who states that a stereotype is an “exaggerated belief associated with a category. Its function is to justify (rationalize) our conduct in relation to that category.”627 This definition fits well with what we have already covered. Merchants, in this case, are the category, while greed, anti-social tendencies, predatory nature, and numerous other features represent the exaggerated beliefs. Exaggerated, in that some elements of these accusations may have been present in the behavior of some merchants, but these characteristics cannot have accurately described all merchants or any merchant as consistently as the sources we encounter have made them out to be. The latter portion of Allport’s definition is also critical, in that the treatment of merchants was justified by this rationale.

To take just one example, the jurist Ulpian justified a harsh restriction against innkeepers, stable-keepers and shipmasters because he believed that these groups were already commonly in league with bandits and stole from their guests. His belief in the stereotype of the greedy, immoral merchant was explicitly his reasoning for the justice of the legislation. The Digest preserves this:

\[ ne quisquam putet graviter hoc adversus eos constitutum... nisi hoc esset statutum, materia dareetur cum furibus adversus eos quos recipiunt coeundi, cum ne nunc quidem abstineant huiusmodi fraudibus. \]

Lest anyone think that this constitution is harsh toward them … if this statute had not been established, an opportunity would be given to them to cooperate with thieves against those whom they receive as guests, since even now they do not abstain from this kind of fraud.”

This kind of belief was commonplace and appears at all levels of Roman society. As a result, the treatment of merchants as a suspect, dishonest set, was commonplace, and helped to reinforce the stereotype. When people saw others treat merchants with suspicion, they became more inclined to do so themselves because it reinforced their belief that merchants were trouble.

This is a fundamental feature of stereotypes. Not only do they justify certain behaviors, but, once they spread to a large enough portion of the population, they are shared widely, at times almost universally, and hinder the social and economic mobility of their subjects. Furthermore, stereotypes become fossilized, and seem to make themselves the inevitable dictators of social interactions. As Stangor and Schaller have argued, “stereotypes serve the status quo,” and, accordingly, stereotypes are frequently repeated and reused across time and place. There is little reason to alter stereotypes, as information that is contrary to their belief can be rejected as exceptional or anecdotal, while the core belief is continually reinforced by social relationships that are often circularly structured by the stereotype itself.

Stereotypes are a by-product of natural processes of categorization and social stratification, as well as the result of inter-group dynamics. As we have discussed throughout this chapter, these group dynamics often require the formulation and

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628 Digest 4.9.1.1.
629 It is also present in the Prices Edict. Edict, Preface, lines 77-85.
630 See the actions of Pythias in Apuleius, Metamorphoses, 1.25.
632 Stangor and Schaller, 22.
promotion of a group identity, in doing so, it becomes necessary to simultaneously identify what one’s group is not. The central contention of much of the literature on stereotypes is that stereotypes make it easier for individuals to distinguish themselves in relation to others, who must be identified, categorized, and, often, cast as markedly different from the individuals or groups at the center.\textsuperscript{633} In literature on stereotypes, this what is known as “us/them dynamics.”\textsuperscript{634} Stereotypes require that the person or group who held the stereotype, the “us,” developed a sense of what they were not, usually by identifying those who were not “us,” but rather “them.”

This identification came through categorization, the recognition of some feature that distinguished “them” from “us.” These categories could line up with groups, according to our own definition, or not, and create collectives of people who would never consider themselves as allied in any way. At times they included multiple, unaffiliated groups, while at others they included no groups at all, merely a collection of individuals united by some feature that was only externally recognizable. Social categories are, by themselves, a perfectly natural means of bringing order to the world, and recognizing shared features and patterns across segments of the population is common in most, if not all, societies.\textsuperscript{635} Yet, the assignment of characteristics to those categories has the power to transform observations into actionable beliefs, thereby creating stereotypes that a person

\textsuperscript{633} Pickering, \textit{Stereotyping: The Politics of Representation}; Stangor and Schaller, “Stereotypes as Individual and Collective Representations.” As we will discuss, this “othering” was often a component of merchant stereotypes, which, alongside making merchants appear to be outside of normal conventions regarding Roman-ness, often included attempts to make merchants appear to be literal outsiders, both as foreigners and as individuals divorced from any community.

\textsuperscript{634} Or, alternately, “in-group/out-group dynamics.” “Them” is used here for the sake of clarity, as equivalent to “out-group.”

can leverage against a category, and which can paint a group as disposed toward certain kinds of behavior or morality.

Us/them dynamics allow us to explain why and how the content of merchant stereotypes developed in the Roman world. After all, the stereotype surrounding merchants could have been as simple and inoffensive as one of the ones that surrounded Germans: that they were tall. In the study of merchant stereotypes, merchants, are, by necessity, always “them.” They are consistently being judged as if they are outsiders by a group or an individual that considers him-, her-, or themselves to be “us.” Once merchants were firmly identified as “them,” it was possible to develop a conception of what that category meant and what characteristics “that sort” of person might have.

The exaggerated beliefs surrounding merchants were ones that were based around competition and a conception of trade as a zero-sum game. Publilius Syrus, whom we encountered in the previous chapter, offers another useful sententia here: “Profits in trade can be made only by another’s loss.” Even among groups that would not, on the face of it, appear to be in competition with merchants, we get the sense that traders were seen as a kind of threat. Ovid’s Fasti records a merchant’s prayer to Mercury, in which the trader hoped that he might always have the joy of cheating a customer. While these are stereotypical in tone, particularly the “joy,” gaudia, that Ovid believes merchants felt, they demonstrate that there was a pervasive understanding that it was not possible for merchants to do their work without taking advantage of others. Whether one was elite or

636 Giardina, The Romans, 1–2. drawn from Vegetius and Cicero.
637 Publilius Syrus, Sententiae, 435.
638 Ovid, Fasti, V.680-690.
impoverished, merchants could only do their work by profiting at another’s expense. Thus, every time someone bought something from such a person, he or she was, by default, being cheated.

Research on stereotype content has developed two metrics to predict what kinds of stereotypes will develop about a group. The first is “warmth,” a measure of how fond the “in-group,” or “us,” is of the “out-group,” or “them.” Because of the nature of trade, and the competition that it necessitated, merchants were always judged “coolly,” and never received the benefit of the doubt that others received. The second category is “competence,” which is at least perceived, if not actual, and measures how successful the “out-group” is seen to be at their area of expertise. In the case of merchants, with their “low-warmth” metric, high levels of competence are generally met with envy and accusations of devious cheating. Low levels of competence commonly produce contempt, and we see accusations leveled against “incompetent” merchants that include taking advantage of the kindness of others and laziness. Of course, competent and incompetent rest at the ends of a spectrum, with many merchants falling somewhere in the middle. The content of these stereotypes shows elements of these extremes or may be based on other categories to which those particular merchants could be assigned. Greed is common in many, if not most, cases of merchant stereotypes. At the extremes, this is because competent merchants are seen to be voracious for gain, and incompetent merchants were believed to want to get the most out of people while doing the least work.

639 Giardina, “The Merchant,” 246ff., on whether trade was considered “labor.”
640 This was what Asticus, in his Edict, was attempting to circumvent by adopting “fixed” prices. Lewis, “The Governor’s Edict at Aizanoi.”
641 Fiske et al., “A Model of (Often Mixed) Stereotype Content.”
Philostratus offers us a clear indicator of both extremes of stereotype content in a description that his Apollonius of Tyana gives of the business practices of ship captains:

“Ἄλλ᾽ ἐμπόροιν τε καὶ ναυκλήρων κακοδαμονέστερον τί ἔρεις ἔθνος; πρῶτον μὲν περινοστούσι, ξητοῦντες ἁγόραν κακός πράττουσαν, εἶτα προξενοῖς καὶ κατήλοις ἀναμιχθέντες πολοῦσι τε καὶ ὀνοῦνται, καὶ τόκοις ἄνοσίοις τὰς αὐτῶν κεφαλὰς ὑποτιθέντες ὡς τὸ ἄρχαιον σπεύδουσι, κἂν μὲν εὖ πράττοσιν, εὑρέλοι ἡ ναὸς καὶ πολὸν ποιοῦνται λόγον τοῦ μήτε ἐκόντες ἀνατρέψαι μήτε ἄκοντες, εἰ δὲ ἡ ἐμπορία πρὸς τὰ χρέα μὴ ἀναφέροιτο, μεταβάντες ὡς τὰ ἐφόλκαι προσαράττοσι τὰς ναὸς καὶ τὸν ἔτέρων [ναῦτων] βίον, θεοῦ ἄναγκην εἰπόντες, ἀθέωτατα καὶ οὐδὲ ἄκοντες αὐτοὶ ἀφείλοντο.” 642

“But can you name a more wretched tribe than merchants and shippers? First, they roam the sea, seeking a market that is doing badly, then, mixing with guild representatives and traders, they sell and buy, and, after using their own person as surety for unholy interest rates, they hurry to get back to the original sum. And, even if they do well, the ship has a good voyage and they make a big speech about not having capsized the ship willingly or unwillingly, but if the sales do not match their debts, crossing over to the lifeboats, they wreck the ship and the life of the other sailors, claiming it was the will of god, and, most impiously, they rob others not unwillingly.”

Philostratus begins with a statement that, again, reinforces our understanding that merchants ought not be considered for “warm” stereotype content. 643 He notes, in particular, that shippers want to take advantage of depressed markets, and that they are constantly on the lookout for personal gain. Neither factor is likely to endear merchants to society more generally, but both are essential factors of the work that merchants did, at least in the Roman understanding. 644 Next, he first presents a shipper who “prospers,” a proxy for our high-competency metric. Philostratus’ reaction to this person is wholly negative. He believes such a captain to be, inevitably, a braggart, who makes a great thing out of doing the ethical bare minimum: not destroying the ship or the cargo with

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642 Philostratus, Apollonius 4.32.2-3.
643 Which include, at the competent end, admiration stereotypes, and, at the low end, paternalistic stereotypes, Fiske et al., “A Model of (Often Mixed) Stereotype Content.”
644 Again, see: Giardina, “The Merchant,” 246ff. on how this work is not considered labor.
which he has been entrusted. Philostratus’ comments do not quite approach the envy that is the typical response to a competent merchant, but we see that reaction elsewhere, where it is clear that skilled merchants are seen as enviable, or perhaps in possession of some unjust advantage. In the Edict of Maximum Prices, merchants are accused of trying to control the wind and weather, an occult advantage that threatens the natural orders of the world by giving men the powers of gods. 645

Philostratus demonstrates the second, contemptuous stereotype more clearly in discussing the unsuccessful, incompetent merchant. His loathing for this kind of individual is clear, as he describes how, if they fail to profit, their lust for gain will drive them to wreck their ship, killing their crew, if necessary, in pursuit of gain. This captain is greedy, immoral, and attempts to excuse his behavior with recourse to the divine. Philostratus stresses that there is a human cost that merchants have disregarded, and which makes such men tantamount to murderers who are still allowed to walk free in society. Beneath this horror, the shipwreck scheme also demonstrates that incompetent merchants took advantage of the systems that were designed to protect against accidents. By wrecking ships, captains would profit from the insurance. Their cry of “divine intervention” was not only a lie, but an excuse used to cheat others.

Greed lies at the heart of this stereotype, as does the predatory nature of merchants who would voluntarily take up this exploitative business. Philostratus’ comments come as part of an attempt to dissuade a young, noble Spartan from taking up

645 Quos haec officia exercitos habent, dubium non sit senper pendere animis etiam de siderum motibus auras ipsas tempestatiesque captare. Men who perform these tasks do not hesitate to plan to control the winds themselves and weather from the movement of the stars. Edict, Preface, lines 71-74. See also Giardina, 250–53.
this trade, and they naturally take on a tone that highlights the moral differences between merchants and other, perhaps “normal,” men. What is clear is that merchants, already the out-group in these discussions, are being even more dramatically “othered,” cast as a group that would willingly and consistently do things that the in-group, in this case something abstract like “Romans,” or “good men,” would never dream of doing. This is a consistent trope in passages that offer merchant stereotypes. Often, they describe merchants in ways that make them out to be immoral or at least operating under a different moral code, and associate that with physical distance from the community. At an extreme, this even takes the form of assigning a foreign point of origin to merchants, with all merchants, regardless of ethnicity, being potentially described as “Syrian” or “Phoenician,” because of those regions’ historical association with trade.646

We see this play out at the local level in a passage of Apuleius, where a moneylender is described by one of his neighbors. The moneylender, Milo, lives in a small city in Thessaly. Within its community, his business practices are common knowledge, as are his personal habits and some details about his family life.647 While Milo does not seem to have been well-liked, he is undeniably a part of the community, with neighbors and business associates recognizing him as one of the foremost citizens of their town, in wealth, if not in social capital. Yet, when Lucius travels to the city, a local innkeeper describes Milo as being removed from the community, as if he lives miles away from everyone else. She stresses that he lives as far away from the town as possible, turning Lucius’ claim that Milo is a prominent citizen, *e primoribus*, into a joke, ‘vere,’

647 Apuleius, *Metamorphoses*, 1.21, to be discussed more fully in the next chapter.
inquit, ‘primus istic perhibetur Milo, qui extra pomerium et urbm totam colit.’ 648 Thus, though the innkeeper and Milo are effectively neighbors, living within sight of one another, 649 the innkeeper has chosen to describe Milo as an outsider. He is a trader, and, by virtue of being a moneylender and accordingly persona non grata, is more a foreigner who preys upon the residents of this community than a fellow citizen of the same small town. The innkeeper highlights the pomerium, the boundary of Hypata, the “city,” urbs, in which they live. Her words actually draw a line between herself and Milo, physically delimiting those who are inside the in-group, and belong with “us”, and marking those who must be outsiders, the dangerous, predatory “them.”

Figurative or literal distance is a marker of merchant stereotypes, and one which is aided by the widespread belief that merchants are mostly a mobile population that lacked ties to community and place. For some merchants this was certainly the literal truth, as they traveled with their wares either by ship, traveling from port to port, or on land, moving between marketplaces, but both ancient views and modern scholarship have too readily accepted that merchants were dislocated from communities because of their travel. More recently, scholarship is starting to move beyond this. Horden and Purcell have stressed short-distance cabotage trading as normal in the Mediterranean, which makes it more likely that shippers were regular visitors to the same places, season after season, and traveled shorter distances overall. 650 Frayn and de Ligt have both noted that travel to fairs and markets was regular, and that the same merchants returned month after

648 Ibid.
649 Ibid. She is able to physically point to Milo’s front door from just outside her inn. “Videsne,” inquit, “extremas fenestras, quae foris urbm prospectunt, et altrinsecus fores proximum respicientes angiportum? inibi iste Milo deversatur…” She said, “do you see those windows on the end, which look out on the city, and the door on the other side with a view on the alley nearby? That is where Milo lives.
650 Horden and Purcell, The Corrupting Sea.
month to the same markets, thereby facilitating connections with multiple communities, rather than making them outsiders in these places.\textsuperscript{651} Certainly the case of Mithres, discussed in the previous chapter, supports the notion that a merchant could maintain a positive and well-supported reputation in more than one place, as he was able to boast of his recognition in Rome, while living in a small town outside of the city.\textsuperscript{652} Despite this productive scholarship, and ample evidence to dismiss this hypothesis, the perception of merchants as “disconnected,” “foreign,” and “other” has persisted as a common stereotype that has helped to keep merchants distinct from other categories in Roman society.

The mere existence of these stereotypes and their content is naturally of interest, as they explain many of our sources about merchants, but, on their own, they get us no closer to how merchants managed their reputations. However, we can note that merchants were aware of these stereotypes and anxious to avoid any association with the kinds of behavior that stereotypes predicted merchants would engage in. More than this, their strategies often seem to be direct responses to the stereotypes that they faced.\textsuperscript{653} As we have seen above, merchant groups attempted to correct for the common misconception of merchant isolation and separation from the community by asserting their position in society and commitment to the places where they lived and worked. Nevertheless, it will be helpful to take a closer look at the anxiety that merchants had about stereotypes and at

\textsuperscript{651} Frayn, \textit{Markets and Fairs in Roman Italy}; De Ligt, \textit{Fairs and Markets in the Roman Empire}; Holleran, \textit{Shopping in Ancient Rome}.

\textsuperscript{652} CIL IX.4796.

\textsuperscript{653} These stereotypes also seem to have extended beyond the boundaries of specifically Roman society. There is substantial evidence to show similar stereotypes at work in Jewish diaspora communities, see: Safrai, \textit{The Economy of Roman Palestine}, 305–8; 311–12. as well as in classical Greek settings, see: Johnstone, \textit{A History of Trust in Ancient Greece}, chap. 2.
some ways that anxiety manifested itself in, and was combated by, merchant reputation strategies.

**Merchant Anxieties:**

We have already seen some of the anxieties merchants had about stereotypes in the previous chapter. In the cases examined there, we looked for reputation strategies, and noted that merchants were quick to display their best qualities. Yet, many of the same merchants seemed to anticipate that their actions and character were likely to be misconstrued, related to others in the worst possible light, and even used against them. Merchants were quick to assert that they lived blameless lives, contributed to society in tangible ways, and were moral and good people at their core. These claims are standard features of broadcasting one’s reputation, yet a large number of these merchants made statements that explicitly framed their good character as a rejection of a negative attribute. Onesimus’ wife claimed that he had lived *sine macula*, Vibia Chresta asserted that she and her friends worked *sine fraude*, while Paul assured his followers that he had not been a burden to others.654

We lack further evidence to know if these were accusations that these particular merchants had faced in life, but the similarity of their anxieties to the standard features of merchant stereotypes suggests that these were worries that may have transcended the unique circumstances of a single merchant and his enemies. As we have noted, stereotypes pervaded all levels of society. Graffiti perpetuates the same kinds of beliefs

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654 CIL VI 9663, CIL IX 2029, 1 Thessalonians 2:9.
that we have already seen codified into legislation and used by elite authors.\textsuperscript{655}

Accordingly, merchants felt this pressure, at least in the abstract, at all levels of Roman society, and were as likely to find these beliefs among their local community members, as they were when they came into contact with officials or their social betters.

Again, Apuleius’ *Metamorphoses* provides us with a testing ground. We have already seen how Milo faced negative stereotypes that were perpetuated by his neighbor and fellow merchant, the innkeeper who speaks to Lucius. Rather than finding an ally in this woman, Milo’s reputation is being undermined, probably without his knowledge. We will discuss this dynamic more in the following chapter, but, in this context, it is important to note that Milo, when he finally meets Lucius, attempts to apologize for the poverty of his house, attributing it to his fear of robbers, rather than to the miserly character that the innkeeper tried to project on to him. The more elite application of stereotypes appears shortly after this passage, when Lucius attempts to purchase a fish for his dinner at the local market. He meets the town’s *agoranomos*, Pythias, who is offended to learn the price that Lucius has paid for his meal. Pythias accosts the fishmonger, accusing him of “marking up fish at such high prices, and reducing the flower of the land of Thessaly to a deserted, barren cliff by the expensiveness of [his] wares.”\textsuperscript{656} His, probably ineffective,\textsuperscript{657} attempts to publicly shame the man in the marketplace

\textsuperscript{655} CIL IV 3948, TALIA TE FALLANT, UTINAM, MENDACIA, COPO! TU VE(n)DIS AQUAM, ET BIBES IPSE MERUM. What a lot of tricks you use to deceive, innkeeper. You sell water but drink unmixed wine.

\textsuperscript{656} Apuleius, *Metamorphoses*, 1.25 quod tam magnis pretiis pisces frivolos indicatis et florem Thessalicae regionis ad instar soliditinis et scopuli edulium caritate deductis.

\textsuperscript{657} There are explicit parallels to comedy in this passage. See Shanzer, “‘Piscatum Opiparem...Praestinavi:’ Apuleius, Met. 1.24-25.”
demonstrate that elites had some sense that stereotypes could be utilized to hurt the reputation of tradesmen.

At every social level, this was a serious threat and individuals responded to this pressure, at least in some cases, by explicitly rejecting the behaviors and characteristics that conformed to the stereotypes. They were “not that way,” or they would never do “that kind of thing.” Statements like that of Vibia Chresta, which are, of course, laden with other societal implications, do this effectively, but her working *sine fraude* also includes the implication that others would, or did, include deceit in their business practices. Either explicitly or implicitly, these statements often put down others in the merchant community by validating the one making the claim. The best that could be hoped for was that individuals would be seen as exceptions to the rule, while the rule itself was not questioned or undermined. In fact, these stereotypes were often bolstered by these tacit admissions of its truth and grew stronger in the face of this kind of claim.

The stereotypes persisted, and were a powerful force acting on all merchants, including merchant groups. However, in their case, anxieties about stereotypes took on a slightly different cast. Rather than finding expression in claims framed in the negative, we see merchant associations mobilizing their resources to preempt attacks on their reputation, particularly by making public benefactions and otherwise demonstrating the group’s loyalty to the community. Generosity, in particular, is a virtue these groups seem to have wanted to display, as is evident in the large numbers of public events that groups and their members sponsored, as well as the art, monuments, and building projects they organized and funded. Generosity is clearly the antidote to greed, and while these groups generally acted as if the stereotype did not exist, they were acting in a way that was still
dictated by the framework of these societal biases. Furthermore, these strategies stressed the unity, as well as the wealth, of the group, which may have bought them social capital in the wider community. However, for groups that could not afford this kind of euergetism, it was often easier to lean upon the reputations of individual members. Good members offered a strong correlation to suggest that the group was similarly good. The group could also contribute to this connection by demonstrating its own willingness to police its ranks and promote its best members.

On the surface, this was a sensible strategy. The prominence of good members reflected well on the associations they represented. Beneath this tactic, however, lay anxieties about the relationship between individual members and the group as whole. While a good member might improve the reputation of the group, a single, bad member would detract as much, if not more, from the group’s collective reputation. As we will discuss, a group that promoted good members incentivized good behavior, but the higher it raised an individual and the more closely the group associated itself with that person, the harder it would be if that person ultimately committed some public offense.

As a result, there were risks to this strategy. While this kind of promotion worked well, and encouraged members to join groups and remain members, it was not without its faults. Individuals were always weighing their personal reputations and their personal profits against the costs of membership and might act against the interests of the group if it meant sufficient personal advancement. As we discussed in our initial definition of groups, one lens for approaching group dynamics is to view the group primarily as a

658 Even on a theoretical level, see: Wong and Boh, “Leveraging the Ties of Others to Build a Reputation for Trustworthiness among Peers.” for an analysis from modern management studies.
collection of individuals. These individuals, complete with their own personal agendas, constituted the group and determined its course. As a result, the interpersonal relationships among them are of paramount importance. When a single member was promoted, the balance of these relationships shifted, leaving the group potentially open to internal friction, as well as to changes to their collective reputation. A concrete example of this may be seen in an inscription from Perinthos-Herakleia and the implications it raises:

ἀγαθῆ τύχη· Δρ[άκων ὁ καί(?)] | Χρήστος [Χρήστος ου ἄνε] | θηκεν συναγωγῇ
[π]ωπο|πωὶῶν τῶν περὶ Σωκράτην Μενισκοῦ.

To good fortune. Drakon also [called?] … Chrestos, son of Chrestos, set this up for the synagogue of small-wares dealers, who are around Sokrates, son of Meniskos.

The organization of this group is unclear and seems to have been quite complicated. The inscription decorates a small, round altar that, by the inscription’s own admission, was meant to serve the needs of a group, called a synagogue, of some kind of merchants. The corruption of the inscription makes it difficult to know what exactly they sold, but they are “gathered around,” or are “the ones who are around,” τῶν περὶ, a certain Sokrates. He would seem to be the leader of the association, or perhaps a founder of the group. Yet, Sokrates is not credited as either the builder or the instigator of the altar project. Rather, he seems to be being given his due recognition here, while credit is

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659 Translation (http://philipharland.com/greco-roman-associations/dedication-for-a-synagogue-of-small-wares-dealers-i-ii-ce/) adds the following clarification of the employment of the synagogue: ῥόποπολαι, small-wares dealers or ὀρκόποπολαι, oar-dealers.
660 IPerinthos 59 = PHI 167270
661 An attested name for associations in this region, usually referring to the gathering place as much as the people. There is a synagogue of barbers, IPerinthos 49, from the 1st century, and a possible synagogue of shippers in Macedonia, GRA I 75 = SEG 42 (1992), no 625. See Kloppenborg and Ascough, Graeco-Roman Associations: Texts, Translations and Commentary I, Attica, Central Greece, Macedonia, Thrace, 436.
to be assigned to Drakon/Chrestos, who appears to have managed the project and, quite probably, paid for it as well. The inscription is brief, and we cannot know whether this man was given approval from the group to build the altar, or whether this was an independent idea that he had had and which he had designed as a gift to the synagogue. If the former, it is possible that Drakon was a wealthy member of the group who was encouraged to set up an altar, while, if the latter, it may have been a project designed to improve this man’s standing within the group through a display of generosity and piety. We must remember that individual reputations existed within these groups, and it may have been necessary for members to compete for status among their peers as much as, or more than, among their non-member competitors.

However it originated, the altar displays the piety of the group, yet, compared to the relative anonymity displayed in the wall-painting of the carpenters, individual motivations are far more visible in this case. As a result, the reputation of these individual group members is far more prominently displayed than that of the group. That the group needed, and could inspire its members to commission, an altar, is perhaps a good indication of the group’s piety, but the inscription highlights individuals and places their personal generosity and/or importance above other considerations. Credit will go to them first, and to the group only as a secondary consideration.

The prominence of individual group members is commonplace in the epigraphic record concerning associations of merchants, whether, as in the Perinthos-Herakleia example, because individual members acted independently, but still on behalf of the group, or because the group chose to honor a specific member. This is often the case in instances of funerary rights, where the group will donate a funerary monument for a
recently deceased member, as in the case of the sack-weaver, Ariston, whose grave was set up by his συν<θ>ια|σειτη, his fellow society-members.662 Alternately, some organizations maintained a system of honors that could be voted to, or occasionally be purchased by, exceptional members. Still other groups had officials within their ranks who held specific responsibilities for their term of office.663

Members utilized these offices and honors to build their personal reputations, as in the case of Alexander Asklepeiodotos. His short funerary inscription stressed his position within what was probably group of vegetable sellers:

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Ἀλέξανδρος Ἀσσ<κ>ληπειοδότου λαχανοπω|λης, ἀρξας τῆς τέχνης, | τὸ μνημεῖον ἐκ τῶν εἰδί||ιον, ζήσας ἐτη λε'.
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Alessandro Asklepeiodotos, vegetable dealer, having led the guild,664 [set up] this memorial from his own resources, having lived 35 years.665 For this merchant, leadership among his peers was an essential part of his identity and a particular point of pride.666 Like the traders of the previous chapter, identifying oneself by one’s work, and asserting that one was successful in that field, was an important means of presenting reputation. Within the context of group membership and leadership, the successes of a man like Alexandros were the successes of the group, and it was in his interests to boast that he reflected well on his fellow members.

662 I. Prusa Olymp. 1036 = SEG 43 (1993), no. 898 = PHI 278755, ζικοπλοκοι | Ἀρίστων τῷ συν<θ>ια|σειτη μνῆς χάριν. The sack-weavers set this up for Ariston, their fellow society-member (synthiasites), for the sake of his memory. This marker also displays a portrait of Ariston, which helps to date the inscription to the 2nd century CE.
663 E.g. TAM V 945 = IGRR IV 1265 = PHI 264375, Lydia, honors voted by a group of dyers for their superintendent.
664 τέχνη in this case meaning either an association, or the profession/trade more generally.
665 (Bithynia, Asia Minor) INikaia 197 = SEG 29 (1979), no. 1297 = PHI 277919 = ID# 13287, undated.
666 ἀρξας τῆς τέχνης, could conceivably mean something like “foremost in his trade” rather than denoting an official position in a group, nevertheless, the wording does suggest that he considered himself to be part of a set of fellow professionals, even if they were not a “group.”
These impulses for self-promotion are understandable, as many of the professional groups we have examined do not seem to have, at least exclusively, contracted together. Individual members still conducted private business and needed to secure their own reputation, as well as that of the group. Though groups often facilitated business agreements among their own members, there was plenty of business outside the group. Group members balanced business that involved both fellow group members and their own private ties. Both inside and outside of these engagements, merchants had personal wants and needs to meet. Thus, merchants were continuously balancing their commitments to the group and to others with their own personal agendas, while the group navigated the internal conflicts that these varied interests tended to create.

As a result, groups developed strategies for managing their members, particularly to help the group navigate moments of conflict or individual members whose actions reflected poorly on the collective. These strategies prioritized the reputation of the group and used a combination of punishments and rewards to build an institutional framework for merchant behavior within the context of group membership.

**Institutional Limits and Private-Order Enforcement:**

Though a group could not exist without members, the individuals who made up the group generated a complex set of potentially warring needs, desires, and motivations. Groups, in order to continue in their basic functions and to pursue common goals, needed to retain some measure of control over their membership, and to have systems in place, whether formal or informal, for when things went wrong. Hawkins has recently examined the strategies that groups of merchants employed to mitigate the risks posed by individual
merchants. His work has developed a useful typology of three primary ways in which *collegia*, in particular, were able to enforce standards upon their members: membership dues, reputation networks, and sanctions. 

In the context of formal groups, membership dues were a useful tool, as merchant members were encouraged to follow the group’s code of conduct in order to protect the investment they had made in the collective. However, smaller, informal groups often lacked these payments, and could use money as a motivation only if members had voluntarily contributed to some common project. Hawkins’ other categories are more prevalent in evidence from all types of groups.

The first of these, Hawkins’ reputation networks, are envisioned as systems through which reputation information about members could be spread. A group had it in its power to send word about the reputation of a member to another group, thereby facilitating or hindering that member’s dealings with the other group. The result of such a system would be that individual members remained liable for their personal actions, rather than masking their identity with the reputation of the group or allowing them to act as the face of the group, representing all the other members. While Hawkins imagines that this system worked mostly in the negative, with bad reputations spreading more than good ones, our evidence for the spread of reputation, discussed fully in the next chapter, shows that these systems could spread positive and neutral information as well as negative.

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Despite the logic of Hawkins’ proposed typology, our evidence for reputation networks being used between groups is actually relatively thin, though, as we will see in the coming chapter, they are common among networks of individuals. The best attestations come from Christian groups in our period, where it was commonplace for one church to vouch for members when sending them abroad to another. Often, these religious networks facilitated trade by organizing housing or allowing members of the same profession to meet each other. Acts offers a good example in the case of Apollos, an Alexandrian Jew, who traveled from Egypt to Ephesus, where he became involved with the local Judeo-Christian community. The account of Acts tells us that he was educated, presumably in the faith, by Priscilla and Aquila, Paul’s tent-making colleagues, and then:

βουλομένου δὲ αὐτοῦ διελθεῖν εἰς τὴν Ἀχαίαν προτρεπώμενοι οἱ ἁδελφοὶ ἐγραψαν τοῖς μαθηταῖς ἀποδέξασθαι αὐτόν.

And when he wanted to go to Achaia, the brothers encouraged him and wrote to the disciples [there] to welcome him.

In terms of spreading reputation, this was clearly a case of sending positive information, though the matter is slightly complicated by the exact nature of Christian identity at this early stage of development. As a result, we struggle to know the exact group(s) to which a man like Apollos belonged. His personal identity seems to straddle the lines, if any existed, between Jewish and Christian groups, and it is difficult to know how many others within the communities at Ephesus and Achaea were in a similar position. Yet, without delving too deeply into complicated questions regarding ethnic and

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668 Priscilla and Aquila are exceptionally well-traveled, and presumably take their trade wherever they go. We are told that Aquila was born in Pontus and he and Priscilla meet Paul in Corinth (Acts 18:1-3). However, we have testimony of the pair in Syria (Acts 18:18), Ephesus (Acts 18:19), and Rome (Romans 16:3), as well as possibly at Corinth a second time (1 Corinthians 16:19).

religious identities, we may say with confidence that the church in Ephesus, and its counterpart in Achaea, conforms to the rough outline of “group,” as this chapter has defined them. Harland has recently addressed them as such,\(^{670}\) and scholarship on early Christianity has largely accepted his argument that groups of early Christians may be considered as comparable to other groups and associations in the Roman world with religious, social, and economic purposes. Furthermore, recent research has demonstrated that, in the second century CE, at least, effort was being made to tie the foundation of churches and the establishment of Christian groups to trade routes.\(^{671}\) By implication, the travels of Apollos, or those of Priscilla and Aquila, may have reflected parallel business connections, as we have seen in their relationship with Paul. Whatever the exact case, the Christians of Ephesus were in a position to transmit some details about Apollos’ reputation to the Christians of Achaea. They were able to request that Apollos be made welcome, and presumably could offer some information about the man that would endear him to his future host(s). Apollos was therefore able to rely on the good name he had developed in Ephesus, and possibly even in Alexandria, when he traveled, and had a built-in incentive to be an upstanding member of the group, since a good reputation among his peers in one place had the power to make his travels, and perhaps his business, easier.

Reputation networks were doubtless more common and more commonly utilized than the extant sources immediately suggest. In all likelihood, they are less visible to us now because they relied on word-of-worth to spread the information that was most


\(^{671}\) Concannon, *Assembling Early Christianity*. 
relevant. We will discuss this in the next chapter, when we examine the ways that reputation was communicated among and around merchants. There, orality and informality will be of central importance, and it will be evident that, while people may not have been consistently writing about reputation, they were definitely talking about it.

Hawkins’ sanctions are more clearly apparent in our source material. The most formal of these measures seem to have been commonly made a matter of public record as a means of ensuring their enforcement. Sanctions, of course, could be both formal and informal, and were applied by groups at both ends of that spectrum. Sanctions appear written into charters and are discussed casually in other sources about groups. In their most formal instantiations, sanctions often included a specified fine for small infractions, or, for more extreme offenses, the terms for expulsion from the group. A majority of the most extreme punishments seem to have always involved some form of social and/or economic isolation and exclusion, something with could be informally enforced at the other end of the spectrum for similarly serious crimes against the group.

Several charters preserved from Roman Egypt show groups that were explicit about what they expected of their members, and they list the punishments that would be levied for each kind of crime. A particularly clear example of this comes from a 1st century CE charter of an association of sheep and cattle herders, who, along with their pastoral duties, also presumably leveraged their collective power in the eventual sale of their fleeces and livestock. However, rather than focusing on the economic advantages that the group could provide to its members, or even discussing the structure of the group

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672 For more on sanctions, see: Fehr and Fischbacher, “The Economics of Strong Reciprocity,” 169–74.
673 Venticinque, Honor Among Thieves, 7–14. on the social context of these charters.
and its leadership, the document lists a number of potential crimes against the group that a member might commit, along with the punishments deemed appropriate:

- If anyone is drunk and disorderly, let him be fined whatever the group judges to be appropriate. But if anyone is notified of a meeting and does not attend, let him be fined one drachma in the country, but four drachmai in the city...
- If anyone notices someone in distress and does not assist him to get out of his distress, let him pay eight drachmai. Each one who sits himself down on the couch before another member, let him pay an extra three obols for his own place.
- If anyone prosecutes another member or slanders him, let him be fined eight drachmai. If anyone plots against another member or corrupts his home, let him pay sixty drachmai.

The group has a clear set of behavioral standards that it wishes to uphold, ranging from attendance policies to social conduct. All, to some degree or other, would have been necessary to maintain order within the group, but some clearly extend beyond the narrow confines of a peaceful meeting of the organization. While a serious matter that likely reflects underlying conflicts within the group, pushing and shoving at a feast would have little immediate impact outside of a group meeting. The punishment of a simple fine seems to reflect the relatively commonplace nature of such social friction, but the fact that that fine was assessed by the group on a case-to-case basis suggests that the group

wanted to judge each conflict individually to determine which were accidents or misunderstandings and which symptoms of greater problems.

Similarly, many of the issues proscribed in this charter seem to have been chosen to prevent private grievances becoming matters of public record. The ruling against prosecuting or slandering another member, with the latter being a chargeable offense under Roman law, seems to be aimed at specifically keeping disputes in house, thereby protecting the group from the public appearances internal conflict. The initial prohibition against misconduct, with the proviso that the group must determine the appropriate fine, may have been intended to give the group the right to arbitrate its own conflicts. In any case, it suggests an awareness of the unpredictable nature of gathering a group of potentially conflicting personalities, some of whom may have been social and economic competitors in other contexts.

Furthermore, the provisions seem to have an overarching moral character, culminating in the ban against plotting or corrupting the house of another member, with a hefty fine attached. These acts, in particular, were likely to cause a public scandal for the group, breed distrust among members, and make the normal business of the group untenable as factional groups developed within the association. Slander and distrust, as Venticinque has noted, had a way of spreading through the greater network of interconnected tradesmen, even outside the bounds of the organization, particularly once family and friends became involved. Ari Bryen has collected examples of disputes that

675 See also Gagos and Minnen, Settling a Dispute, for a 5th/6th century Egyptian example of this and Roebuck, Ancient Greek Arbitration; Roebuck and Fumichon, Roman Arbitration, for more general treatments.

676 Venticinque, Honor Among Thieves, 57–59.
eventually turned violent in Roman Egypt, and has noted that many involve family
members acting out their own visions of justice upon those who have wronged them and
their loved ones. Associations acted to prevent the chaotic and potentially harmful
effects of such events by preemptively stifling any claims that might threaten intra-group
trust, as well as the public reputation of both the group and its individual members.

This fits well with Hawkins’ vision of sanctions, in that, again, the framework is
most applicable in cases where things go, or have already gone, wrong. However, it is
important to note that the same impulse that drove sanctions also motivated groups to get
prospective members. The standards established for admittance to a religious association
from Attica required that new members be “pure, pious, and good,” ἁγνὸς καὶ ἐσπαθής καὶ ἀγαθός.
Members without this moral standing would not be admitted, so that, in
theory at least, the group would keep potential troublemakers out of the association from
the start.

Whether as a punishment or as a litmus test, these provisions established the
standards for trustworthy behavior and for what morality, in this setting, would look like.
Not only did these rules encourage peace within the group, but they also offered a public
record of what constituted acceptable behavior for this group. Whether collectively or
individually, members could claim that they adhered to these regulations and could use
them to bolster their personal claims to moral rectitude. We have numerous attestations
of formal groups establishing similar guidelines for members, and we have evidence that

677 Bryen, Violence in Roman Egypt, 161–62, 172–74, 179–82.
678 Venticinque, Honor Among Thieves, 84–85.
679 IG II² 1369 lines 33–4 Liopesi, Attica 2nd century CE.
680 Venticinque, Honor Among Thieves, 56.
merchants felt considerable anxiety about breaching these conventions, just as they did with stereotypes. Artemidorus’ *Oneirocritica* supposes that one might even have a dream about behaving dishonorably in a club:

\[\text{ἔδοξε τις ἐν συμβιώσει καὶ φρατρίᾳ τοῖς συμβιώταις ἀναστειλόμενος ἐκάστῳ προσωρεῖν. ἀπηλάθῃ τῆς φρατρίας ώς ἅτιμος· εἰκὸς γὰρ τούς οὕτω παροινοῦντας μισεῖσθαι τε καὶ ἀπελαύνεσθαι.}\]

A certain man dreamed that, in the presence of his companions in a club and phratry, after lifting up his clothes, he urinated on each of them. He was removed from the phratry for being dishonorable; for it is fitting for those who are drunk and disorderly to be hated and removed.\(^{681}\)

Being removed from the association is a natural consequence of these dreamed-up actions, but Artemidorus says that the man was removed, not because he actually did these things, but because the dream has revealed that he is dishonorable, ἅτιμος, and that those who behave abusively will be both hated and removed from groups of their peers.

The word he uses is παροινεῖν, a term that reflects bad behavior and maltreatment of others, particular when one is drunk, the whole passage suggests that the social and festive elements of associations were a balancing act between appropriate sociability and the maintenance of proper standards, since drunken abuse could have consequences far beyond social friction. Merchants had to participate in these events, and, as we have seen, could be fined for non-attendance, but they also needed to maintain control to protect their interests and present themselves as honorable among their peers.\(^{682}\)

\(^{681}\) Artemidorus, *Oneirocritica*, 4.44. This passage is discussed, in similar terms, in Hawkins, *Roman Artisans and the Urban Economy*, 121.

\(^{682}\) Anxiety about drinking too much is a common feature in texts dealing with wine, commensality, and sociability in the ancient world. Davidson, *Courtesans and Fishcakes: The Consuming Passions of Classical Athens*, 40–61, esp. 47–48. addresses this for a symposiastic context, and rightly notes that the image of the moderate, elegant drinking party was a constructed thing, covering up real worries about how to drink properly. He does not consider the role of reputation in this setting, but it must have been a critical factor in drinking contexts, where it was important to keep pace with one’s peers but also to keep one’s head.
The passage imagines this experience as a kind of stress-dream, developed from the worries of the dreamer. Fundamentally, it reveals that acceptance within a group was of value to members and worth protecting, even from one’s own impulsivity. Whether from social pressure of the terms of a group charter, members felt that it was worth sacrificing some options to secure the benefits that membership offered. Group membership imposed limitations on merchants, who accepted the terms as long as the advantages outweighed the costs of the restrictions. In the case of the dream, this was an easy choice to make: there was little financial or social benefit to urinating on one’s colleagues, while membership, presumably, held concrete advantages, even if it meant ceding this dubious right. However, in other cases, it is possible to imagine that the choice was more difficult, and that merchants experienced difficulties making the choice between, for example, large, short-term gains that threatened their standing in the group, and smaller, long-term gains that allowed them to retain their position among their peers.

Our evidence shows that some members felt hampered by the limits that groups imposed, and that some knowingly hedged their bets, risking their reputation within the group in pursuit of quick gain, while hoping that they would not be caught. This was a delicate undertaking, with potentially harmful outcomes, but also with great possibilities for wealth. We have already seen individuals use the group for social advancement, but it was also possible for an individual to take advantage of the limits the group imposed on their peers, who, while they adhered to their agreements, opened themselves up to free-riders and those who would actively take advantage of them. A concrete example of this
comes from the Midrash on Psalms 12.1,\textsuperscript{683} where a hypothetical band of merchants planned to buy salt to supply their town. As the text says:

“It once happened that a certain town had no salt, and there was a band of caravaneers who said: We will go to such and such a place and buy salt, and sell it before others come. Now, they had a leader, [and] they said to him: Let us go to this place… He answered them: I have to plough tomorrow, so wait until I have done my ploughing, and afterwards we will go. They said to him: All right… What did he do? He loaded a sack on his ass and went off alone, while his friends slept till morning, [when] they called [him]. The neighbours asked: Whom do you want? So and so already went off last night. So they set off in the morning and found him on his way back. They said to him: Why did you act so? He replied to them: Do you not know why? Had we all gone together, the [price] would immediately have fallen to a low level. Now I have brought [salt, and] until you get there mine will have been sold out, so that when you get [there] you can sell yours at a good price.”\textsuperscript{684}

The text is a common rabbinical form, known as a \textit{ma'aseh}, a fictional, parable-like story created to illustrate a lesson, often with an eye to distinguishing the good, the rabbis and pious Jews, from the bad, the goyim and impious. Our characters, as a result, are caricatures, stereotypes, as well as allegories, and their circumstances are only roughly sketched out, but they are founded upon an inherently plausible reality: one in which there are good men and bad whose actions display clear \textit{exempla} to be emulated or avoided.

In this particular case, we see the dynamics of a group of merchants under strain. The group, a \textit{chabora} (חָבוֹרָה), is a fairly well-organized entity of caravaneers, or, more literally, donkey-drivers, with an established leader. Based on the passage alone, the band works together with a number of different sources of income. Their leader is both an

\textsuperscript{683} Dated by Braude, \textit{The Midrash on Psalms}, to be, at the earliest, a 3\textsuperscript{rd} century CE text, with many later additions. The first reference to this Midrash is from the 11\textsuperscript{th} century CE.

\textsuperscript{684} Safrai, \textit{The Economy of Roman Palestine}, 17. Safrai’s translation, based on the text of Buber.
agriculturalist, plowing his fields, and a merchant importing salt and, presumably, other goods as needed. Their work and group arrangements seem sensible, designed to maximize their gain, while maintaining their position in their community. This is evident in the exchange between the merchants and their leader’s neighbors, who clearly know him and maintain knowledge of his whereabouts and activities.

However, the leader is not an honest man. He embodies the stereotypical greedy and untrustworthy merchant and deceives his peers by sneaking off without them to buy salt. He breaks his word, a fitting crime for a passage commenting on a Psalm about lying, and abandons the plans that the group had made. The text is explicit that the leader did this to maximize the price he would be able to get for the salt in their town. In order to do so, he took advantage of the limits the group had placed on itself, and that the members had placed on each other, namely that they would buy salt together, or, as is implied, not at all. The leader knew that he could trust his peers to uphold their end of that implied promise, and exploited that characteristic, along with the respect and deference that he evidently enjoyed as their leader.

When he is eventually challenged by his peers, his response demonstrates his awareness of the delicate situation his actions have placed him in. He immediately launches into a neat, if incomplete, explanation of the principles of supply and demand. He spins the details of his action, presenting it as fundamentally, still being in the interest of the group. He immediately rejects personal culpability and seems to expect that the

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685 Psalm 12:1-2, Salvum me fac Domine quoniam defect sanctus quoniam deminutae sunt veritates a filiis hominum. Vana locuti sunt unusquisque ad proximum suum labia dolosa in corde et corde locuti sunt. Help me, Lord, since holiness is failing; those who are truthful have vanished from the human race. Everyone speaks empty words; they flatter with their lips but deception lies in their heart.
group will eventually come around to his way of thinking. In particular, he hopes to convince them that, though he did lie to them, he did not betray their collective interest. This, he hopes, will convince them to maintain the status quo and not bring sanctions against him.

Of course, his argument is incomplete. While he may have been in the right that the price in town would have dropped, had they all returned with salt at the same time, he does not point out that he bought at a lower cost than they will be able to do, or that he will have met the worst of the demand before they can return. The story ends before we can know how the caravaneers respond to his claims, or how much they realized he had omitted, but it is evident the leader was attempting to convince his peers that his actions were, at worst, annoying and disingenuous, rather than an offense that warranted punishment of some kind.

However, the Midrash is clear that the leader has stepped over a moral line. The passage is centered on the contention that the deceit of the leader is outrageous and the whole section is framed with the question and response: “with what do the children of men occupy themselves? With deceit and falseness.” Effectively, the leader has taken up lying as his occupation, and we, the readers, are led to question the efficacy of such a short-sighted professional choice. The leader may succeed in profiting from this venture, but we must assume that he and others risked a great deal when they treated their peers in this way. Lying materially damaged the trust that merchant groups required to function and destabilized the social position of the liar. The leader, in future, might find that the deference his peers automatically showed him came less readily, or was not offered at all,

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686 Translation: Jae Hee Han, personal correspondence, June 26, 2017.
and we can imagine that, in the broader world, this episode might be talked about by neighbors, as well as other traders. His fellow group members would be incentivized to project their disapproval of his actions, and they might well spread word of his deceit, though it was simultaneously in their interests not to publicize that they were too closely linked with such a person. Having elevated him to the status of “leader,” his failings might well reflect badly on them all, since they had followed him. As a result, if he was allowed to remain a member, they might need to find a private way to shame him, rather than exposing him and risk associating themselves with his moral failings.

In many ways the position of the individual and the group was always a balancing act. Individual merchants had to weigh their potential gain against the potential costs of accepting the group’s institutional limits. It might, at times, be easy to transgress group norms without being caught, or it might be worth the fine to secure an advantage that the group frowned upon. However, at other times, the cost might be too high, and include social or economic sanctions that the merchant could not bear, leading a merchant to pass up a profitable opportunity to protect the long-term benefits of membership. Similarly, the group walked a fine line when it came to regulating its members. It wanted to represent the group in its best possible light, which, at times, required that it be seen to punish bad behavior in its members, but by making these disagreements public, it ran the risk of damaging its reputation. Groups tried to promote their best members, but, in doing so, became subject to the potential highs and lows that a single, personal reputation might experience.
Conclusions:

Merchant associations needed to protect the group’s reputation, which included demonstrating their willingness to punish members who broke the rules, but they also needed to project the image that the group, as a whole, was a collection of overwhelmingly good people, whose personal goodness translated into their business and social activities. As we have seen, groups attempted, from the outset, to protect their reputations by preventing disreputable behaviors, both by vetting members and by establishing group regulations to which members swore obedience. When that failed, they generally attempted to keep their arbitration processes internal, as in the case of the Egyptian sheep and cattle herders. It was in their interest to keep their disputes, frauds, and other misdeeds quiet. In the event that these disputes became public, the group attempted to make the best of the situation by making a display of punishing members, and, at extremes, by excluding them from the group in the future.

Groups worried about these possibilities, as is evident in their charters. These documents were often publicly voted on by the members, who then used them as a touchstone for their business going forward. They functioned as a proof of good character for members, who could lean on such documents to show that they had merited membership in such a group, and had lived by the moral, social, and economic standards that the association required. As we have seen, groups also bolstered their reputation by actively promoting their best members, offering them opportunities for personal advancement within their group, thus creating a disincentive to betray the promises they had made to the association.
These prominent individuals helped to improve and publicly broadcast the reputation of the group. The group reputation was benefited by its association with the reputation of the individual, and some groups even solicited prominent individuals in the community to try to associate themselves with their reputations and with the patronage that they could offer to the group. However, even without promoting individuals or cultivating patrons, associations found ways to promote their reputations and demonstrate their position in society through a variety of building and community projects. Merchant groups endeavored to make their contributions last as long as possible, and thereby maximize their investment in their reputations.

In this chapter, we have looked closely at how merchant groups, as well as individual merchants, dealt with the threat that stereotypes posed to their reputation. In doing so, we have looked at how stereotypes developed and how the same audiences that received merchant reputation strategies, were the ones that accepted and perpetuated stereotypes. Merchants strove to combat these exaggerated beliefs by presenting themselves as exceptions to the rule, or, alternately, by embedding themselves deeply in the community, so that they could not be viewed as outsiders. They tried to win over public opinion and to present themselves as fixtures in their neighborhoods and towns. We have seen cases of their success and failure, through the eyes of authors that rejected the validity of their efforts.

We have already briefly addressed that the audience for reputation strategies was an essential part of their eventual success or failure. In some cases, our evidence has shown how hostile receivers can shape the interpretation of a merchant’s actions, turning a positive or neutral action into something negative. Even in cases where the audience is
more passive, like that in the Midrash passage above, it is clear that these viewers were in powerful positions to receive, interpret, store, and pass on information about a merchant’s reputation.

In the final chapter, we will examine the audience for reputation more closely, along with the systems that transmitted reputation information. We will return to the networks that Hawkins described, and see how they operated outside of the *collegia* system, among neighbors and colleagues, family members and friends. In particular, we will look at formal and informal ways in which reputation circulated, to see how merchants spoke about one another, and how they were talked about in turn. We have already encountered some of these techniques: the letter of recommendation and gossip, or, more neutrally, “talk.” We will look at these more closely, and particularly at how oral cultures of recommendation and condemnation surrounded the trading community, as well as at how networks of kinship, friendship, and apprenticeship shaped how reputations developed and spread. Ultimately, we will be tracing the reception of reputation, and how, in the end, a merchant’s success or failure was predicated on his or her ability not only to craft a reputation, but also to predict how it would be received.
CHAPTER 6: Audience and Reputation Communicated

The previous chapter has made clear that merchants’ reputations were greatly threatened by stereotypical beliefs about their work and their characters, whether they acted alone or as members of professional groups. These stereotypes categorized merchants, and attributed distinct, and generally negative, moral characteristics to those who sold goods and services. Yet stereotypes were not an impersonal force, driven by something that was simply “in the air.” Stereotypes were created and spread by people, who acted, not even necessarily with malice, to perpetuate the sets of beliefs that painted tradesmen as dishonest, greedy, and unscrupulous, and condemned those behaviors as anti-social. In many cases, people transmitted these beliefs casually, without any reflection on their impact, or on the cognitive dissonance that was required, in many cases, to defame merchants while living and working beside them.

The last two chapters have focused on the responses and preemptive strategies that traders and artisans developed to protect their reputations from stereotypes and from specific, personal attacks on their good name. These strategies are varied, as was necessary to combat the many ways in which a merchant’s reputation might be threatened. We have seen why and how these reputation tools were used, but thus far we have not directly addressed their efficacy and how they were received. In order to do so, it will be necessary to step away from the merchants themselves to some extent. Already we have noted that reputation is the result, and the ongoing process, of a dialectical relationship between the subject and those around him or her. A reputation requires two sides: on the one hand, a source, the person about whom there is an opinion or opinions,
and on the other hand, an individual or group who develops, retains, and promulgates the reputation, the personal or communal opinion, or opinions, about an individual.

As a result, the audience, which witnesses the character and behavior of the merchant and then proceeds to manipulate the information they have about him or her, is an essential component of the reputation-development process. In some cases, this audience was made up of merchants, who examined the behavior of their peers with an eye toward which behaviors should be emulated and which should be repudiated, but in many cases, the audience consisted of individuals who had personal, rather than professional, ties with the subject. In some instances, the audience was amorphous, vague, or formed of mere acquaintances, while in others it consisted of family, friends, and neighbors. These differences influenced the amount and the quality of the information that the audience could use to develop the subject’s reputation, and often a combination of the opinions of different audiences were required to sketch something approaching a “complete” reputation, at least in a given moment.687 These different audiences possessed different reputations for the individual in question, and some, in all likelihood, were in a better position to develop opinions about some elements of a merchant’s life and business than others.688

687 On information as partial and selective: Craik, Reputation, 44–49; Bolton, Katok, and Ockenfels, “Cooperation among Strangers with Limited Information about Reputation.” Of course, there were few instances where it was possible, desirable, or necessary to form a “complete” reputation. Most actors operated on what information they had immediate or easy access to and did not exert the effort to sketch a fuller or more accurate version of the reputation.

688 As will be discussed below, there is also a slippage common in evidence about reputation about the reputation of the merchant and the reputation of the merchant’s goods, their quality, etc. It was possible for a merchant to have a good personal reputation but a poor business one, or the reverse, or, alternately, a good business reputation but to be known to sell bad products. While our evidence never gives a us complete access, we must always remember and assume that a plurality of reputations existed for each individual merchant.
In all cases, the disposition of the audience was an essential feature. Their willingness to believe the persona that the merchant projected, or to interpret the merchant’s actions and words in a positive way, had a dramatic impact on the way that reputation developed and was spread. How details about reputation traveled, as well as which details, was profoundly shaped by whether or not the audience was willing to extend the benefit of the doubt. Thus, it was possible for a merchant to act in a way that was, largely or entirely, neutral, but to be perceived and reputed in highly value-laden ways.689

This was made more possible because of a phenomenon we have already discussed briefly in chapter four: good reputations were slow to build,690 but bad reputations might develop quickly and be based on single, egregious events. The audience was liable to spread negative reports more quickly, and the effects of these stories were more likely to linger.691 Though evidence suggests that audiences of reputation were, to an extent, susceptible to confirmation bias, a willingness to believe information that fit into their preconceived visions of individuals and their socio-economic status,692 there was also a strong inclination toward lending credence to negative information, particularly for merchants, given the stereotypes that shaped their personal and collective reputations were already negative in nature.693

689 Craik, Reputation, 49–51; Bailey, Gifts and Poison, 286–87.
690 With consistency as a major factor, supported by the research of Lupfer, Weeks, and Dupuis, “How Pervasive Is the Negativity Bias in Judgments Based upon Character Appraisals?”; Skowrons and Carlston, “Negativity and Extremity Bias in Impression Formation”; Skowrons and Carlston, “Caught in the Act.”
691 Bromley, Reputation, Image and Impression Management, 29. Craik citations p. 50
693 Birnbaum, “Morality Judgment: Test of an Averaging Model with Differential Weights.”
Our access to these processes in the ancient world is limited. As discussed in the previous chapter, it is rare to have a narrative that provides both a reputation strategy and an audience’s response to it. Written testimonies about merchants are often depersonalized, and amount to little more than stereotypes, while our access to the oral culture and conversation that surrounded merchant lives is minimal. Nevertheless, we have a handful of points of entry into this problem. This chapter will focus upon two ways that reputation circulated that did not originate from the merchant him- or herself. They are different in both form and content but provide something like a spectrum along which we may plot other possible ways in which reputation traveled.

In the first instance, we will look at a formal, and formalized, means of communicating reputation: letters of introduction and recommendation. In the Roman world, these documents were a tool for expanding one’s social network, easing travel arrangements, and securing advancement. Though it might be difficult to secure them, or to get them from a source who had relevant contacts, merchants commonly sought out and used letters to facilitate their business, particularly when coming to a new area. Letters were written from one half of an established friend- or colleague-pair to the other on behalf of a third person and offered a description of that person for the addressee. These letters were sent ahead by courier or carried by their subject, but served, in either

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695 Or could call in relevant favors, as discussed below in the case of Aurelius Archelaus.
case, to smooth over initial meetings and to extend a network of friendship or business to new members.696

Among merchants, letters helped to establish newcomers in a region with at least some elements of their reputation from another place. These letters come largely from peers, patrons, or family members, and are commonly only a reflection of the positive elements of a merchant’s reputation, as fits their purpose as an aid to their subject. Yet they do show us something concrete about how reputation could move, namely through established networks of peers, friends, and family members, carried by messengers and by the merchants themselves. Additionally, our extant examples of this genre show how statements about reputation and character might be shaped by the author, and how that framing might suggest readings and interpretations to the recipient, who otherwise had little context for forming an opinion about an unfamiliar merchant.

Of course, letters themselves were rarely sufficient for an addressee to create a full opinion of the letter’s subject. Aside from natural concerns that might occur about forged letters or letters being intercepted, stolen, and carried by imposters, recipients also could not rely upon the constraints of a short, formulaic letter to provide them with all the information they might need, both about the letter’s subject and its sender. When our evidence allows it, we see that letters were always supplemented by in person conversation, either to transmit more sensitive information or to elaborate on issues already mentioned in the document. These face-to-face interactions were essential and

696 Cotton, Documentary Letters of Recommendation in Latin from the Roman Empire. notes that these letters were commonly used in military contexts, but there is ample evidence to demonstrate their use among merchants and tradesmen. The common thread between both groups is travel. As discussed below, letters were essential for anyone coming to a new place where they lacked personal ties. Letters acted as a proxy for these connections, so that friends-of-friends (or partners-of-partners) could be useful to the traveling merchant.
were presumably supplemented themselves as the letter’s recipient passed on the newcomer’s reputation to those in the new community.

The second part of this chapter will build on this and look at ways in which reputation was communicated orally, within diverse and overlapping communities. We will, in general, refer to this as gossip, a term that will require substantial clarification, given its negative, and often gendered, connotations in modern, everyday speech, and its similar, though slightly different, set of associations in antiquity. Nevertheless, gossip is an essential component of reputation dissemination in the Roman world. Casual conversations about merchants and merchant behavior are difficult to find in our sources, given that few, if any, such discussions were considered important enough to record, but they must have been a standard feature of daily life, particularly in the densely-packed, commercially active neighborhoods of Roman cities. In such settings, and indeed in small communities across the Empire, discussions about one’s neighbors, friends, and peers were an essential means of gaining and spreading information, including information about the reputation of tradesmen one might encounter. The act of gossiping also generated specific kinds of social bonds, linking those who spread and received gossip through the display of trust that such communication often signaled. Gossip, which includes information that may or may not be accurate, but which traveled through communities rapidly and irregularly, was a form of social interaction that connected the interlocutors, improving their relationship, while sharing points of interest that benefited the participants in social and economic settings.

As part of this investigation, we will look into the processes and effects of rumors, and how word of mouth communication influenced what information moved, as well as
when, and how rapidly. The Roman world was highly anxious about rumors, and what they might do to both society and to individuals.\footnote{See Fenster and Smail, \textit{Fama}; Guastella, \textit{Word of Mouth}.} This examination will illuminate the anxiety that merchants felt about losing or damaging their reputations, since sensational stories, often including negative and morally-charged anecdotes, traveled and evolved more quickly than standard, matter-of-fact accounts of personal and business behavior. An outlandish, false story, or a true story with salacious details, could rapidly destroy a reputation that had been years in the making. For the gossiper, these stories were a means of displaying oneself as knowledgeable, as well as gaining and holding the attention of one’s audience, and gossipers were incentivized to spread such stories. By contrast, there was less social cachet to transmitting plain, factual information, and particularly positive accounts that lacked a strong “hook” for the audience. Such information was often considered “common knowledge” and had little cachet in conversation. This also explains the tendency toward exaggeration that gossip displays, and further elucidates why we see clear instances of gossip and conversation in our sources when they relate truly remarkable stories.

Reputation transmission, on the whole, is largely constituted as story-telling, and, often, like many stories, these carried strong moralizing messages. We will conclude this undertaking by examining how reputation is functionally the story of the person about whom it is told, as well as a tool that constructs, bounds, and reinforces the moral code of the community and its members. For merchants, these stories were essential to the spread and survival of their businesses, but the stories circulated largely outside the bounds of their control, both among people with fixed agendas and among those for whom such
narration was a casual, everyday activity. Where it is possible to reconstruct this story
telling, it is also possible to see how effective merchant reputation strategies were, and
the extent to which a good reputation was still a commodity that was unpredictable and
elusive. However, the evidence provides us with a clear record that merchant reputations
were a site of debate over what a community hoped to be, and where it set limits on the
behavior of its members.

**Reputation Reception and Audience Receptivity:**

Before we may look at the specific ways that reputation was spread, the actual
mechanics of communication, it will be sensible to consider more closely the processes
that created information about reputation. Specifically, we need to consider how it was
that an event, statement, or action, which was witnessed, read, or heard, became a
meaningful indicator of a merchant’s character, rather than a forgettable, passing
moment. In simplest terms, it is vital to understand which information contributes to
reputation, and which does not. This was, always, in the eye of the beholder, and is thus a
matter of reception.

Theoretically, much of this ground has already been covered, and by scholars of
reputation who have addressed the issue of reputation and its audience(s). Going back to
at least Frederick Bailey in his *Gifts and Poison*, the role of reception in reputation has
been an established feature of the field. In his understanding, the interpretation of actions,
words, texts, and events and their translation into evidence of reputation is a matter of
signaling. These signals may be consciously projected or may be the unconscious result
of everyday actions, but they are built into the things that individuals do or do not do in
ways that are culturally encoded and specific.\footnote{Bailey, \textit{Gifts and Poison}, 10. see also Smith and Bird, “Costly Signaling and Cooperative Behavior.” and Em-\lt{em}ler, “A Social Psychology of Reputation”; Bromley, \textit{Reputation, Image and Impression Management}. these latter two use different vocabulary, but address the same conception of sending and receiving information, which is then interpreted according to social norms and cultural reference points.} In fact, Bailey posits that the messages the signals send “may well remain invisible to someone not familiar with the culture concerned.”\footnote{Bailey, \textit{Gifts and Poison}, 10.} Thus, they are difficult to assess from the outside, and situations that may appear to be neutral moments to an outsider may in fact be highly significant within the community under observation. Within a culture, signals are related to categories, which, in turn, are related to other categories, with the result that positive and negative associations can develop for actions that, on their own, appear to have little to do with reputation.\footnote{Bailey, \textit{Gifts and Poison}, 12.} These associations are made quickly, and often with reliance on previous social or cultural knowledge. In many respects, they mimic the kinds of category judgments that we discussed in relation to stereotypes in the previous chapter, though they are applied less broadly, often to a particular behavior of a single merchant at a given time.

The closer the receiver is to the merchant, the more points of social contact, and the better information he or she will have. This makes it possible for the categories to become increasingly specific and the associations with those categories to become ever more detailed, allowing the eventual assessment of reputation at a high level of nuance.\footnote{Bromley, \textit{Reputation, Image and Impression Management}, 42–44. Describes the issue as one of “primary” and “secondary” reputations, those known first-hand, or “primary,” being the better informed, while the “secondary” relies on hearsay.} One may generally say, for example, that a specific merchant has a reputation for being successful. It may be possible to assess this from his dress, the appearance of his home, or a crowd of customers at his shop. For the merchant, these signals are “cheap” in that
they require little effort, though perhaps some monetary cost, to acquire. They can also be sent easily, and to those who have little context about the merchant’s actual status.\textsuperscript{702} These signals do not require personal knowledge or private access to the merchant and his affairs but can be “read” by a stranger on the street.

Consequently, they can be misleading. More personal knowledge might reveal that these signals were a crafted mask, designed to project a reputation, but not a true reflection of the merchant’s financial or social reality. Alternately, they may be the byproduct of accidental circumstances, rather than intentional deception or projection. This nuanced, and insider, knowledge is more “costly,” because it takes more time and energy to collect, and it requires more effort from the merchant to broadcast.\textsuperscript{703} The inscriptions, monuments, and wall-paintings we have examined over the last two chapters fall into this category of broadcasting. At some point, and for certain people under particular circumstances, such information might not have been worth the effort it took to obtain or to project it. For the receiver, most information could be gathered along a spectrum of effort, simply by being an observer within one’s community and participating in simple methods of information gathering. However, gathering conscious and unconscious signals sent by merchants and others could be beneficial to one’s own reputation, as well as to one’s social and economic success. Therefore, there was a possible pay off to participating in the kinds of reputation sharing techniques that this

\textsuperscript{702} Whitfield, \textit{People Will Talk}, 30. This signalling, in many respects, runs parallel to the theory of NIE, where institutions helped to reduce transaction costs, the cost of information, and unpredictability in general. Some institutions are more “expensive” than others, but some also produced a more legible economic landscape than others.

\textsuperscript{703} Smith and Bird, “Costly Signaling and Cooperative Behavior.” For the audience, there may also be a need to consider before passing this information on. Learning in-depth information about a merchant necessitates a type of closeness that may encourage the learner to choose whom they inform with care.
chapter will discuss, and to exert some effort to avoid relying on personal observation alone, or by only examining those signals that merchants displayed themselves.

Essential to this is the understanding that both the creation and dissemination of reputation information often happens highly informally, through the regular activity of daily life. While the cases we have examined up to now have generally been the product of intentional reputation strategies, developed by the merchant to influence his or her standing in the community, these efforts are merely the ones that are most visible to us of a continuous stream of data points, or signals, to which the community had access. Most reputations, positive and negative, were not founded on these large displays, but rather were built upon the slow, steady accretion of information that was the result of day-to-day life.\(^{704}\) We have already discussed this in chapter four, but regularity and predictability were essential to this kind of reputation development. Particularly in small communities, predictable face-to-face contact allowed receivers to witness both conscious and unconscious displays of character, business practices, and social status, and to assess how much of that was consciously performed and how much was a reflection of the actor’s true character. Often, this data accumulated itself into something like “common knowledge,” about the subject, which closely resembled, or was perhaps even coterminous with, that person’s reputation.\(^{705}\)

As a result, there are relatively few moments that are truly “forgettable,” or “passing” when it comes to reputation. Even if a given situation was unworthy of comment in the moment, significance may be read into a seemingly innocuous


\(^{705}\) Wickham, “Gossip and Resistance among the Medieval Peasantry.”
interaction, particularly in light of information that the receiver later learns. It is an easy step to turn a simple, typical moment into a signal, laden with meaning. Again, continuity was essential to ensuring that actions were not misinterpreted. Merchants strove to send positive signals consistently, thereby building up a steady body of evidence for their receivers.\textsuperscript{706} This consistency was intended to build a reputation over time, but also to prevent the sudden reinterpretation of their behavior, so that a single off-day did not re-inflect a moment from days, months, or years before, but remained an anomaly in the mind of the viewer, who knew that the merchant was not “like that,” and did not assume that the positive signals of the past were a performance covering some more sinister “truth” about the merchant’s character.

In light of this framework, we must reassess what meaning might have been derived from the signals that we have seen merchants intentionally sending in the previous chapters. Each case is deeply influenced by context, and by a large number of factors, personal, social, and economic, that we lack access to in many cases. Rather than re-tread this ground with speculation, it will be useful to take a case study from the life of a particularly well-attested merchant and populate some of his reputation strategies with some of the responses that they may have engendered.

As we have noted, evidence of reputation reception is generally difficult to discover. However, abundant archaeological context is available in the case of the prominent \textit{garum} manufacturer and retailer in Pompeii, Aulus Umbricius Scaurus. Scaurus is among our best-attested merchants, and within the city of Pompeii, evidence

\textsuperscript{706} While this is clearly not a drive that was unique to merchants, it was essential to the proper conduct of their social and economic lives.
suggests that he may have controlled somewhere in the region of twenty-eight percent of the fish-sauce market, based on labeled transport vessels found throughout the city.\textsuperscript{707} The Umbricii, more generally, seem to have been a force in the fish-sauce industry in Pompeii,\textsuperscript{708} with many others associated with the name, most of whom are understood to have been slaves or freedmen of the same family.\textsuperscript{709} Beyond the bounds of the city, vessels labeled as Scaurus products have been found in towns around the Bay of Naples, and as far away as southern France,\textsuperscript{710} suggesting that this business was also engaged in exporting fish products outside of Pompeii. It is unclear today where in the region Scaurus manufactured his goods,\textsuperscript{711} but the evidence suggests that he not only produced the \textit{garum} and transported it,\textsuperscript{712} but also had some kind of retail or wholesale facility in the city, that was known as the \textit{officina Scauri}, Scaurus’ workshop, or perhaps just shop.\textsuperscript{713}

\textsuperscript{707} Curtis, \textit{Garum and Salsamenta}, 92.
\textsuperscript{708} This industry was substantial in Pompeii, to the extent that it is mentioned in Pliny the Elder, \textit{NH}, XXXI.95, for more on this industry in this city, see: Etienne and Mayet, “Le Garum à Pompéi. Production et Commerce.”; Bernal-Casasola and Cottica, “Produzione e Vendita Di Pesce Sotto Sale e Suoi Derivati a Pompei Nel 79 d.C.”
\textsuperscript{709} These included Umbriarius Abascantus (CIL IV 5671, 5685, 5689, 5724), Umbriarius Agathopus (CIL IV 5690, 5691, 5712, 6921, 7110, 9403, 9404), Eutyche (CIL IV 2576), and Umbriatica Fortunata (CIL IV 5675), among others, see Cooley, \textit{The Cambridge Manual of Latin Epigraphy}, 92–94; Curtis, “A. Umbricius Scaurus of Pompeii.”.
\textsuperscript{710} Curtis, \textit{Garum and Salsamenta}, 96.
\textsuperscript{711} Ellis, “The Rise and Re-Organization of the Pompeian Salted Fish Industry.”
\textsuperscript{712} There is no evidence to suggest that the garum was produced within the city walls, which is not necessarily surprising as it would have been more convenient to produce near the waterfront, and the production was likely odorous. No production facility has yet been found along the historical coastline. However, a garum shop is known from Pompeii at Regio I.12.8. This shop cannot be linked to Scaurus or his producers, but it was likely a distribution center for smaller retailers of garum Curtis, \textit{Garum and Salsamenta}, 92–94.\textsuperscript{.}
\textsuperscript{713} TLL, \textit{Officina}, 9.2 p.513, can mean either, and it is unclear which is meant in this context. The distinction between the two is, naturally, not clear-cut, but it is assumed throughout this dissertation that a workshop is, primarily, a place of production, while a shop is essentially a retail establishment. Scaurus’ business would have required at least a workshop to produce the garum and may have retailed some of his products himself from his own shopfront, while our evidence strongly suggests that he acted as a wholesaler to others.
The majority of this evidence\textsuperscript{714} comes to us from a large corpus of transport vessels,\textsuperscript{715} a Pompeian form bearing a single handle and known as an urceus, that were used to ship and sell fish sauce from Pompeii. The vessels are relatively crude, appropriate for transportation and wholesale dealing, but they have been excavated in a variety of contexts, including in domestic spaces, which suggests that they were, at least in some cases, seen by their ultimate consumers, as well as by those along the chain of production.\textsuperscript{716} Many urcei display painted labels, known as tituli picti, that confirm their contents and usually the officina that produced them [Fig. 9].\textsuperscript{717} Many tituli picti also include short descriptions of the goods, including some praise of the fish sauce within.\textsuperscript{718}

The result is that tituli picti offer us not only a means of identifying the contents and source of an urceus but also a claim about the quality of the product. As a reputation strategy, this is not dissimilar to examples we have already encountered. While Roman merchants seem to have often shied away from claiming that their goods were the best and greatest, they did not hesitate to label them with their own names,\textsuperscript{719} and as we have already seen the case of Mithres, who did not hesitate to proclaim himself as a man of

\textsuperscript{714} There is also Scaurus’ home (Regio VII.16.15/16), discussed below, and a funerary inscription (CIL X 1024) that will not be considered in this case study, as it was erected for a young man, also named Aulus Umbricius Scaurus, who is likely to have lived later than, and possibly was a son or grandson of, the merchant considered here. On this monument, see: Campbell, “The Epitaph of Aulus Umbricius Scaurus (CIL X 1024).” There is also a, rather unconvincing, argument that a reference to Scaurus may have been included in Petronius’ Satyricon, as a character named Scaurus is found in that text. This is almost certainly not the garum manufacturer, but likely a senatorial figure. Pace: Duncan-Jones, “Scaurus at the House of Trimalchio.”

\textsuperscript{715} Curtis, Garum and Salsamenta, 91–92. describes a corpus of 140 urcei with tituli picti, of these Scaurus and Scaurus-associated vessels make up 28%. A near-complete list appears in Etienne and Mayet, “Le Garum a la mode de Scaurus.”


\textsuperscript{717} Urceus example from Bernal-Casasola et al., “Conservas Antiguas y Gastronomia Contemporánea.”

\textsuperscript{718} Tituli picti were also used on amphorae carrying olive oil, and may have been used for wine as well, though it is not always clear from the titulus, if it consists of only a name, what the container originally held. On tituli picti see: Berdowski, “Tituli Picti Und Die Antike Werbesprache Für Fischprodukte.”

\textsuperscript{719} For example: Almeida, “Los Tituli Picti de las ánforas olearias de la Bética.”
rara fides cuius laudata est semper ubique, Roman merchants were willing to boast about themselves, given the right circumstances. These labels fit somewhere between simple shipping tags and the extended encomium that Mithres felt that he deserved, but they offer both an identifier and a claim that the merchants hoped to spread to those who sold or consumed their fish sauce.

Given the variety of audiences they had, the level of specificity in these labels and the kinds of claims they make, are interesting. As Robert Curtis has demonstrated, a number of the tituli picti include not only a descriptor that identifies the contents as one of the four major types of fish sauce, garum, liquamen, muria, or hallex, but also an adjective (or occasionally a noun) describing the quality. This is true of Scaurus’ products as well as that of others, who frequently describe their goods as flos, the flower of its type, or as either optimum or primum. Curtis argues that these adjectives do not refer to a particular type of product or stage in the process of production, because it is only in rare instances where lower quality products are identified. Rather, unlike the label of liquamen or hallex, these words were intended to be advertisements for the quality of the sauce, and, by extension, for the competence and the business character of the manufacturer who had produced it or the retailer who was selling it.

This elision of personal reputation and that of the product is interesting and will be important to bear in mind as we proceed. Merchants attempted to promote their

720 CIL IX 4796
721 Curtis, Garum and Salsamenta, 162–63.
722 As, for example, in the case of olive oil, which may be extra virgin, virgin, etc.
723 Curtis, Garum and Salsamenta, 162. identifies only three that identify themselves as second-class products.
reputations as sellers, as agents who made deals and interacted with others, but were also driven to advertise the quality of their products or services. There was often slippage between these two kinds of reputation, where “I am the best,” could easily be derived from a statement of, “my products are the best,” or where the reverse, a claim of being the best, might inform the *communis opinio* of the product or service. Ideally, a merchant would have, or could convince others that he or she had, a good reputation in every respect, but, as noted in chapter four, it was always possible for a merchant to have different reputations, not only in different places, but for different things. Merchants promoted themselves in every way and encouraged their audience to assume that good products meant good service, and vice-versa, but whether they were convincing was another matter entirely.

Yet our audience who received this advertisement is difficult to assess, and we cannot easily determine how context, or the biases of the readers of such labels, might inflect the experience of looking at these objects. To transporters, these labels were directories, and their claims to quality were rarely of importance. More necessary was the description of the contents, since, if a certain number of *urcei* of *garum* or *liquamen* were expected to arrive at a certain destination, it would not do to deliver *hallex* instead. To the recipients, local distributors or retailers, the claims to quality would be more pertinent and, perhaps, useful. They could provide some, albeit biased, assurance that their investment was worthwhile, and they may have served to generate a potential vocabulary with which they could describe the product to buyers. Yet this last step requires that the recipients accepted the claims made on the vessels they saw. These claims are very
common and appear just as often on *garum* made by other producers as they do on the sauces of Scaurus.\textsuperscript{725} How, then, did the audience react to these claims?

We have a few insights, each only obliquely accessible to us. While most *tituli picti* include only the contents, origin, and descriptor, some not only identify Scaurus as the producer, but also include a reference to a later stage in the retail process. Some even seem to name the shop where the goods were sold. One label reads:

\begin{quote}
G(ari) F(los) SCOMBR(i)/ SCAURI/ EX OFFICINA AGATHOPI
\end{quote}

The flower of *garum*, made of mackerel, (the product) of Scaurus, from the (work)shop of Agathopus.\textsuperscript{726}

Agathopus seems to have been one of Scaurus’ freedmen,\textsuperscript{727} and to have operated one of the retail branches of Scaurus’ *garum* empire.\textsuperscript{728} Little more can be said about him personally, as his name appears only on *urcei*, but the labels suggest that he embraced the reputation strategy that Scaurus was already using.\textsuperscript{729} We know relatively little about the process by which *tituli picti* were added to *urcei*, but in this case, we have some insight into how it happened. The description of the garum and the attribution of the goods to Scaurus were completed in one hand, while *ex officina Agathopi* was added in a second hand. Thus, it is likely that these labels were updated as goods traveled. By adding his

\begin{footnotes}
\textsuperscript{725} e.g. CIL IV 5681, 10270, 10276-7, *Gari Flos Romulianum*, which suggests not only a different manufacturer, but possibly a unique recipe see Curtis, *Garum and Salsamenta*, 166.
\textsuperscript{726} CIL IV 9403-4, *ex officina Agathopi* is written in a second hand.
\textsuperscript{727} An *urceus*, CIL IV suppl. 7110 (see: Stefani, *Pompeii, Vecchi Scavi Sconosciuti*, 68. , reads: *liquamen optimum sacatum ex officina Umbrici Agathopi*, strongly suggesting that Agathopus was a freedman of Scaurus’. Curtis, “Product Identification and Advertising on Roman Commercial Amphorae,” 92. assumes that the Agathopus of this inscription is the same person identified in CIL IV 5712, discussed below, with the Greek spelling Agathopode, this is corroborated by Stefani, *Pompeii, Vecchi Scavi Sconosciuti*, 68–69. primarily on the grounds of the lettering, which is a clear mix of Latin and Greek, *Agathopi* in this inscription is actually rendered AGATTOI, see Stefani. 68. for a drawing of the *titulus pictus*.
\textsuperscript{729} An alternate reading might suggest that Agathopus felt obliged to maintain his former master’s system. Hawkins, “Manumission and the Supply of Labor” suggests that this might fit into the obligations that masters could impose upon their freedmen. Agathopus may even have been operating a branch of Scaurus’ business and claimed only a portion of its profits for himself.
\end{footnotes}
name to the chain, Agathopus laid claim to being a distributor, or perhaps retailer, of these quality goods, and thereby claimed to be a quality provider in turn. He also made himself accountable to those any who wanted to check up on him and his business, yet another testament to his confidence in his product and his work.

However, Agathopus did not just follow along quietly behind Scaurus’ example. Another urceus has been excavated, labeled with Agathopus’ name, this time professing to be, “the best liquamen, to Aulus Virnius Modestus from Agathopus.”730 In this case, Agathopus has, seemingly, acted on his own, without attaching his former master’s name to the product, but he continues to use the same type of claim to quality. This particular urceus was recovered from a kitchen space in a home,731 and may well have been a personal gift, given the short and seemingly personal titulus. In such a case, Agathopus’ claim of offering the “best,” optimum, sauce, is something akin to a personal favor to Modestus, and makes the vessel’s label a marker of Agathopus’ generosity, as well as a contribution to his reputation as a producer, retailer, and friend.732

These personal relations demonstrate that the claims on urcei could be employed in highly varied contexts, and they drive home the point that Scaurus was just part of the reputation networks that were at play in these cases. Agathopus was directly tied to his former master but held some agency to act independently of Scaurus’ operations, to the

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730 CIL IV 5712, Liquamen Optimum A(ulo) Virnio Modesto ab Agathopode, see above, n. 37 on the spelling of Agathopus’ name. See: Etienne and Mayet, “Le Garum a la mode de Scaurus.” for a tabulation of the various actors in this trading network. There is a roughly equal distribution of tituli which frame themselves as ex officina plus a name in the genitive, and those that are a(b) plus a name in the ablative.
731 Regio IX.vii.16.
732 Much would depend in this and similar contexts on how public the act of giving the gift was, on how much the friend related to others about the gift and gift-giving, and how habitual the act of giving was for the merchant in question. We lack evidence to draw out the implications for Agathopus, but gift-giving was hardly a reputation-neutral act.
extent that he might choose to manufacture on his own or choose not to credit Scaurus’ production in his own private affairs. Furthermore, it was not necessary to be directly connected with Scaurus to appreciate or utilize the advertising strategies he employed on his fish products. Another urceus identifies itself as a Scaurus product, but was sold by an imperial freedman, Martial, at an inn in the city.\textsuperscript{733} It is not clear that Martial sought out Scaurus’ products, but he added his own name, and reputation, to this chain, without the kind of debt of allegiance that Agathopus and others owed.\textsuperscript{734} Martial may have hoped to burnish his own reputation by selling high-quality fish sauce, may have intended merely to mark his ownership of the urceus, or may have been signaling his approval of Scaurus’ claims, but, whatever the case, he undoubtedly had his own reputation to worry about and cultivate.\textsuperscript{735}

Of course, the labels on these vessels are highly formulaic, but the longer the statement, the more eye-catching they became.\textsuperscript{736} Another urceus of Scaurus, excavated from a garden attached to a shop-house in Pompeii, repeats the formula in yet another variation, bearing the label, GA SCOMBR(i) SCAURI EX OFFICINA SCAURI.\textsuperscript{737} In this case Scaurus is both the producer and the retailer, and the vessel was discovered along with other cooking implements, suggesting that it was utilized and, to some extent, lived with, by its eventual owners, or by their staff. The titulus was highly visible,

\textsuperscript{733} CIL IV 9406.
\textsuperscript{734} We lack an image of this particular vessel to know how many hands were present on the urceus, but Curtis, \textit{Garum and Salsamenta}, 197–200 (Appendix III), notes that tituli picti were commonly expanded upon by subsequent owners, with paint appearing in different hands and different colors.
\textsuperscript{735} The role of Martial in this garum-producing and selling network is opaque but seems to indicate a slightly more elaborate system of distribution and sale than a single, integrated chain of production, supply, and retail. Similarly complex arrangements are visible in the case studies of Silver, “Glimpses of Vertical Integration/Disintegration in Ancient Rome.”
\textsuperscript{736} Curtis, \textit{Garum and Salsamenta}, 169.
commonly several inches high and painted in red,\footnote{The form of the urceus is generally c. 45 cm high, tituli piciti are commonly 5cm tall and placed on the neck of the vessel. See Curtis, “A Personalized Floor Mosaic from Pompeii,” 561 and pl. 74, fig. 5, for a rough scale.} and the repetition, as well as the lack of abbreviation, of Scaurus’ name made it clear that, if the label was read, the contents ought to be immediately and exclusively associated with his business in all its forms.

Of course, there is little that could assure that these labels would be read or, if read, that their claims to excellence would be believed. The literacy of retailers or buyers could not be assured, though evidence at least for the former suggests that there was a baseline of utilitarian reading and accounting.\footnote{Verboven, “Currency and Credit in the Bay of Naples in the First Century AD.” discusses literacy in the context of counting and accounting, which is probably a fair assumption of basic, utilitarian literacy. His evidence base is largely Pompeian graffiti, which is overwhelmingly a corpus of numbers and lists. See also: Keegan, Graffiti in Antiquity. For non-graffiti evidence, the House of Terentius Neo (Regio VII, Ins 2, 6), a baker, offers us a portrait of the man, holding a scroll, and his wife holding a diptych, signifying the literacy of both.} Furthermore, given the frequency of claims about the quality of fish sauces it is likely that these statements were consistently inflated for rhetorical effect, and we can hypothesize that they were known to be so. The context, in particular, would inflect these claims, in that a potential customer or retailer would most often encounter tituli picti in commercial settings, where the claims would seem less genuine and more calculated. Our evidence suggests that customers were savvy about their shopping, and were accustomed, at least in some circumstances, to haggle with retailers to get a better price, regardless of the intrinsic quality of the goods.\footnote{Apuleius 1.24, Lucius haggles with the fishmonger, despite his recognition that it was an opiparem, excellent, bit of fish. Lucius may have recognized that, as a stranger to the place, he was likely being charged a premium. Merchants were more likely to try to play upon the ignorance of unfamiliar faces, assuming that they would not know what a fair price was in the region.}

While we cannot immediately trace it, it is possible to imagine that the signals that appeared on urcei would have been given more weight if they were shared in a different
setting, or came from a different source, such as a trusted friend, perhaps as in the case of Agathopus and Modestus.

Essential to our understanding is the fact that context greatly changes the ways in which signals were read. Scaurus’ case is unique, in that we not only see several snapshots of the afterlife of his claims, in the multiple hands that created the tituli picti, but also have the same claims repeated in a very different medium and setting. Scaurus’ home in Pompeii has been securely identified. The property is a large one, located north of the Porta Marina, which has not been fully published [Fig. 10]. Though little is left of the building, we have the remains of the lower parts of the walls and the floors, which show that the house was structured around an atrium with an impluvium decorated with black and white mosaic floor. The mosaic consisted of a meander border around the impluvium, and four urcei, which lay, diagonally, at each corner of the meander [Fig. 11]. These were white, rendered against a black background, and, at slightly larger than life-size, each was decorated with black lettering, mimicking the tituli picti of real world urcei [Fig. 12].

ev. Regio VII.16.15/16. This house, together with the entrances at VII.16.12/13/14 have been read both as a single house and up to as many as five houses. The entrance at VII.16.15 is indisputably Scaurus’ home, as we will discuss, and VII.16.16 seems likely to be part of the same house, despite the fact that the entrances straddle two levels. The extant site of the house is complicated and highly damaged, as the site was bombed on September 13, 1943, Maiuri, “Pompei, Sterro Dei Cumuli e Isolamento Della Cinta Murale,” 172. on the history of the bombing, more particularly Baldoli, Knapp, and Overy, Bombing, States and Peoples in Western Europe 1940-1945, 144.

742 There is some early mention of the building in Mau, Pompeii: Its Life and Art, chap. 36 A House near the Porta Marina. but it seems that the building described there was primarily VII.16.12/13/14. The site was not excavated until after the bombing, in 1958-1959 Curtis, “A Personalized Floor Mosaic from Pompeii,” 557–58 esp. n. 5. It has never been systematically published, nor were field notes available to Curtis in his article on the Scaurus mosaic.

743 These mosaics are no longer in situ and are now in storage in Naples. Described in full in Curtis, “A Personalized Floor Mosaic from Pompeii.”
Just as in the vessels described above, Scaurus’ name is prominent on these specially commissioned mosaics, appearing on three of the four urcei. Two mention the officina of Scaurus, and all describe the garum or liquamen imagined to lie within as either flos or optimum.\textsuperscript{744} Though these are the same claims to product quality and personal excellence, the context of these labeled images is very different from the objects they represent. The atrium of Scaurus’ home was a completely different setting from his shop fronts, and, while we ought not assume a wholly private audience, we can imagine that these mosaics were visible to viewers who were not as immediately concerned with the quality of Scaurus’ products as were business partners and customers. The atrium of a Roman home was not a wholly private space, and was, at least at different times of day, an area that would have been available for visitors of various kinds.\textsuperscript{745} Nevertheless, this space was very different in form and context from the spaces where urcei were typically moved, bought, and sold.\textsuperscript{746} Thus, while an unknowable number of people saw and handled Scaurus’ urcei from the moment of production through to the final sale and use, the atrium would have been a more select crowd, individuals who may have been

\textsuperscript{744} L’Année épigraphique (1992), 278a-d, (Presses Universitaires de France, “Italie,” 92.); Urceus A: G(ari) F(los) SCO[M](bri)/ SCAURI/ EX OFFI[C]/NA SCAURI/RI; Urceus B: LIQUA(men) FLOS; Urceus C: G(ari) F(los) SCO(M)(bri)/ SCAURI; Urceus D: LIQUAMEN/ OPTIMUM/ EX OFFICI[N]/A SCAURI; Urceus D has been damaged and is now illegible. Its appearance and titulus are only available from archival photos from the 1960s.

\textsuperscript{745} Clarke, \textit{Art in the Lives of Ordinary Romans}, chap. 9. or, more generally: Dwyer, “The Pompeian Atrium House in Theory and in Practice”; Wallace-Hadrill, “The Social Structure of the Roman House.” Scaurus’ house is a larger, finer example, but the blurred divisions between public, commercial, and private space is comparable the house of the baker (Regio VII.3.3), which had a shopfront, which was connected to the house’s atrium, blurring these lines even further.

\textsuperscript{746} Urcei have been found in both domestic and commercial contexts, see: Jashemski, “The Excavation of a Shop-House Garden at Pompeii (I. XX. 5),” and CIL IV 9406, mentioned above, which was found at an inn.
involved in his business life, but also others who were connected with Scaurus and his family in different ways.  

How these viewers reacted to these mosaics is difficult to predict. We can speak with more confidence about what this evidence says about Scaurus, his life, and the choices he was making about his reputation. These artworks demonstrate that Scaurus wished to present his profession and the prosperity it had brought him. He brought clear symbols of his work into his home and placed them in the location that was most likely to be encountered by his guests. Curtis has argued that the particular, and unusual, placement of these images, outside of the meander border that typically surrounded images on Pompeian floors, was likely eye-catching, and intentionally so. While it is probably too hopeful to imagine, as Curtis does, that a viewer would wander the space and intentionally examine and read the mosaic floor with care, it was likely that visitors in the space would notice them, or at least the urceus that was closest to them. This was clearly Scaurus’ strategy. He hoped to remind his visitors, as well as those who we must imagine living and working with these images, of his trade, and thereby achieve his “primary goal: to advertise his business, his wealth, and most of all Scaurus himself.”

How well this goal, or these interdependent goals, was met was a matter of the reception of these signals. While a viewer of the urcei, the true commercially-available product, might have recourse to assess Scaurus’ claims through testing or conversation

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747 Scaurus’ son or grandson was elected duumvir of Pompeii (CIL X 1024), which suggests that the home was probably used to host at least some political figures, not to mention the clients, friends, and family who would have been more regular visitors.


749 Curtis, 565. “Advertisement” is a fraught concept in the scholarship on merchants and trade in antiquity. Advertising, as understood in modern times, is a 17th century development, and it is seen as an anachronistic imposition in Roman contexts. Here, advertisement is understood to be a physical manifestation (including both objects and sounds) of a merchant’s, or group of merchants’, self promotion.
with Scaurus or his agents, the visitor to the household decorations would have only the
evidence of Scaurus’ wealth as his or her proof, and need not have accepted the claims to
excellence passively. The individual disposition of these viewers would contribute
greatly to the impact of the mosaics, as would the novelty of the scene, which would
diminish in force with subsequent viewings. These images and their claims meant
something different to the first-time viewer than they did to the temporary or permanent
resident in the house and meant something else entirely to Scaurus himself. It is
impossible to determine from the images alone whether these mosaics inspired
conversation or particular attention, or whether they were deemed amusing, tasteless, or
some other descriptor buy one or more of its variable audiences.

We also cannot know what portion of the mosaics’ viewers had seen an example
of Scaurus’ urcei in real life, what relationship such people understood to exist between
his home and his business,750 or how seriously they took his claims to quality. It seems
likely that Scaurus hoped to convince some of his guests, and remind others, about the
importance and success of his business and its role in his social and economic life. The
mosaics were an expensive signal to send, far more that the real urcei they reflected.
They required that Scaurus specially commission artists. Nevertheless, they were
relatively accessible, both legible and straightforward in their interpretation.
Correspondingly, they might have been easily dismissed, particularly if Scaurus or his
products did not live up to the reputations that these images claimed. As we operate in

750 There is an outside chance that this massive structure is all one home, if so, this atrium becomes the
much less-grand entrance area and might even be construed as a “business entrance,” making this part of
the house specifically a space that related to Scaurus’ business.
ignorance of Scaurus’ ultimate audience for these mosaics, we cannot know if his investment in his reputation was worth it in the end.

**Sending Reputation:**

As is the case for many of the merchants discussed in the previous chapters, Scaurus’ reputation strategies appear to have been intended for an audience we can no longer securely identify. This leaves us with little ability to firmly assess how his efforts were received. We rely on the context of Pompeii, a unique asset, and on the numerous attestations that have been left by the accident of preservation, to say anything at all about whether Scaurus’ techniques were effective. Yet one set of evidence, by its very nature, always gives us insight into a merchant’s reputation from multiple points of view, namely letters of introduction and recommendation. These documents, usually sent by one party to another, regarding a third person, offer us external perspectives on a given person’s reputation, that of the author/sender and, in some cases, that of the reader/recipient as well. Accordingly, they provide unique insight into what information was considered relevant to reputation. Furthermore, we are often given insight into how personal ties, including patronage, friendship, kinship, and apprenticeship, contributed to the growth of reputation networks, which transmitted information about reputation after it had left the control of the subject.

Within the context of merchant reputation, these documents were an essential part of the strategies that merchants utilized to spread their good name. By means of letters, it was possible to expand networks of traders to include people from disparate, and distant, locations and to facilitate travel for business purposes. When traveling, merchants often
carried letters of introduction with them. These were usually intended to secure them with housing and hospitality from a friend of a friend, an acquaintance of an acquaintance, or a trading partner of a trading partner. This hospitality, which was often reciprocal, provided a foundation on which new friendships, acquaintances, and business relationships could be built.

As a medium, letters have been studied extensively in their own right, and several essential features of this genre have implications for the use of these materials as evidence for reputation. First, aside from collections of letters that were formally published, a type of letter that the present study will generally avoid, letters were not regularly intended to be consumed by a large number of people. They were crafted by the writer and intended, in the main, for a specific and limited audience, often a single person. While we have letters that intentionally send greetings to individuals other than the main addressee, most letters support a connection between two people. Often, this connection operates with an implied, or explicit, need for secrecy that hopes that letters will not fall into “the wrong hands.” Though it may be undercut by the presence of letter carriers who may or may not be trustworthy, this secrecy allows for a certain amount of honesty between the sender and recipient, who may discuss things, and, particularly, the reputation of the third person, without substantial worry that their words will be revealed to a more general audience, or, most threatening to honesty, to their subject.

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An example of this comes from the third Epistle of John, a strange and semi-public letter, to which we will return in due course.\textsuperscript{752} It is both a letter of recommendation, praising and introducing a young man named Demetrius, as well as a response to other letters of recommendation. It is addressed to a man named Gaius, who has evidently sent men, carrying letters, to John, who was pleased to meet these new Christian brothers.\textsuperscript{753} In his reply, John praises Gaius’ generosity and kindness, stresses the importance of hospitality among Christians, and then describes an on-going conflict that he is having with a man named Diotrephes, who seems to have been a rival of John’s in his local church community. John writes that Diotrephes has slandered John and his friends, and that, beyond that crime, he is not welcoming to travelers and shows them no hospitality, unlike John and Gaius. After disparaging Diotrephes, John concludes:

\begin{quote}
Πολλὰ εἶχον γράψαι σοι, ἀλλ᾽ οὐ θέλω διὰ μέλανος καὶ καλάμων σοι γράφειν: ἔλπιζο σὲ εὐθέως δὲ ἰδεῖν, καὶ στόμα πρός στόμα λαλήσομεν.
\end{quote}

I have many things to write to you, but I do not want to write these things with ink and pen. I hope to see you soon, and we will chat face to face.\textsuperscript{754}

John clearly has some reservations about conversing in perfect openness through the medium of the letter. Despite his clear frustration with Diotrephes, it seems that John felt some things must be said face to face, rather than being committed to paper, which, in its more permanent medium, might be passed on to those who should not see it. It was enough to name the faults of, and to refer to the dispute with, Diotrephes, but John placed limits on what belonged in the letter. It is not clear how John might further incriminate

\textsuperscript{752} The true identity of John is a matter of debate, see Rensberger, \textit{The Epistles of John}, 1–7., but for the purposes of this project, “the elder,” named in the text will be identified with John, the author of the gospel. This is not necessary, as the letter still provides evidence for the mechanics of letters of recommendation and introduction, but it will simplify references and provides some, possible context for the religious communities that “the elder” refers to.

\textsuperscript{753} Rensberger, 117–27.

\textsuperscript{754} 3 John 1:13-14.
Diotrephes, or what else he might need to share with Gaius, but he wanted to avoid those words being intercepted in a letter and saved them for their next meeting.

Despite the diversity of purpose that John’s letter demonstrates, in that it can bring both praise and censure, thank a friend and request a favor, all in a single document, most letters of recommendation conform to a standard set of conventions, which, while they did not prevent authors from deviation, nevertheless established guidelines that many chose to adhere to. Within the ancient world, these guidelines were even publicly available in books on letter writing, which outlined how one ought to address, frame, and conclude letters of this type. Letters of recommendation are understood to be the “commendatory” type of letter, which is aimed, in the main, at praising its subject to the recipient. It serves as an introduction, but is commonly used only in a positive sense, honoring the subject, rather than giving a comprehensive account of his or her reputation.

Letter writers were well-aware of these features of letters of introduction and recommendation. A 2nd century CE letter from Alexandria records the experiences of a young man who seems to have been serving in a naval position in Egypt. After he recounts a long list of what he has sent to, and received from, his father, the addressee of the letter, Claudius Terentianus states his intention to seek alternative employment in a cohort:

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755 Stowers, Letter Writing in Greco-Roman Antiquity, 154–55; Poster and Mitchell, Letter-Writing Manuals and Instruction from Antiquity to the Present, 22ff. The two extant texts are Ps. Demetrius and Ps. Libanius.
756 Stowers, Letter Writing in Greco-Roman Antiquity, 154.
...si deus volueret spero me frugaliter ṭe frugaliter vliçitum et in cohortem [tra]nsferri hic a[ut]em sene aer[e] [ni]hil fiet neque epistulae commendaticiae nihil valunt nesi si qui sibi aiutaveret. 758

Like the authors of letter-writing guides, Terentianus is aware of the type of letters that were commonly used by ambitious individuals, hoping to use their social network for their personal advancement. As Cotton has argued, letters of recommendation, Terentianus’ *epistulae commendaticiae*, were especially important to the up-and-coming soldier, and our evidence shows numerous examples of letters of recommendation that come from military contexts. 759 Yet Terentianus knows that there are limits to the impact letters could have on one’s reputation, and that, if he wanted to advance, he must “help himself,” presumably by performing the reputation that a letter merely recorded.

Perhaps in anticipation of this very problem, showing, not telling, is an essential component of many of these letters. An example comes from another important letter of recommendation from this period. Like Terentianus’ case, the letter comes from a military context, and is sent by a *beneficiarius*, Aurelius Archelaus, to his military tribune, Julius Domitius. Though the profession of the *commendatus*, Theon, is not clear, the letter refers to his *actum*, which seems to mean some kind of work that Theon had done before he came into Archelaus’ service, and which he had taken up again in

759 Cotton, *Documentary Letters of Recommendation in Latin from the Roman Empire*, 132:1–2. Other examples are known from Vindolanda. Another group
Archelaus’ employ. It may have referred to some kind of protection, as Archelaus refers
to feelings of safety as a result of Theon’s actions, but its details are lost to us now.

Recto:
[I]lio Domitio tribuno mil(itum) leg(ionis)
ab Aurelio Archelao benef(icario) suo
salutem.

iam tibi et pristine commen-
daueram Theonem amicum
meum et mod[o qu]oque peto
domine ut eum ant<e> oculos
habeas tanquam me. est e-
im tales omo ut ametur
a te. reliquit enim su[o]s [e]t
rem suam et actum me
secutus est et per omnia me
secu[r]um fecit et ideo peto
a te ut habeat intr[o]itum
at te et omnia tibi refere-
re potest de actu[m] nostrum.
quitquit mi[hi d]ixit [i]-
[lu]t et fact[…]…
amavi h[o]min[e]m […]…
domin[e] …]
illum ut […]
upse […]inter-
cessoris ut il[lum co[m]mendarem].
estote feliciss[i]mi domine mul-
tis annis cum [tuis omnibus] ben[e agentes.]
hanc epistulam ant ocul-
los habeto domine puta[t]o
me tecum loqui.
uale.760

The letter raises many essential points, but it clearly wants to stress not only
Theon’s character, as the “sort of man” that Domitius likes, but also his actions on
Archelaus’ behalf. It “shows” Domitius that Theon has sacrificed on Archelaus’ behalf,

Recto:
To Julius Domitius, military tribune of the
legion, from Aurelius Archelaus, his aide,
greetings. Already on a previous occasion
I had commended my friend Theon to
you, and now also, sir, I beg you to hold
him before your eyes as you would me,
for he is just the sort of man that is loved
by you. For he left his family and his
property and business (and) followed me,
and through everything he kept me safe,
and therefore I beg you that he may have
an introduction to you, and he can report
everything to you concerning our
business. Whatever he told me… indeed
done…

I came to love the man… sir…
intermediary… so that I may recommend
him. Sir, may you be most happy for
many years, along with all your family,
doing well. Hold this letter before your
eyes, sir, and imagine that I am speaking
with you. Farewell.

760 P. Oxy. 32= CPL 249, text from Trapp, Greek and Latin Letters. emended for line breaks from Grenfell and Hunt, The Oxyrhynchus Papyri; Cavenaile, Corpus Papyrorum Latinarum. Verso reads: IOVLI
DOMITIO TRIBVNO MILITVM LEGIONIS ab Aurelio Archelao (beneficiario). To Julius Domitius,
military tribune of the legion, from his aide Aurelius Archelaus.
leaving his family, property, and personal business. Archelaus hopes to convince Domitius to help and use Theon by describing how he has actively contributed to Archelaus’ work, presumably on Domitius’ own behalf. Furthermore, Theon is named as Archelaus’ friend, and Archelaus communicates how Theon has performed that friendship in concrete ways.

This language of friendship is found throughout letters of recommendation, and Koenraad Verboven has already argued that the language of friendship is an essential component of both the ancient economy in general and letters of recommendation in particular.\(^{761}\) Rather than arguing over the exact nature of that friendship, or how “genuine” the emotional connection between the men might be, Verboven stresses that the language of friendship is used liberally in the Roman context, and that one need not have exclusively personal business with one’s amici in order for that friendship to be “real.” In letters, he points out that the exact business in which the commendatus is engaged is often left out, as their primary intention is introduction and the extension of the network of amicitia. However, the closeness of the friendship is generally made explicit, and purposefully stressed.\(^{762}\) This is visible most clearly in a 1\(^{st}\) century letter from Oxyrhynchus, discussed more fully below, where a different Theon writes to introduce his brother, Heraclides, to Tyrannus, a local official.\(^{763}\) On top of asking for another ill-defined favor, that Tyrannus “take [Heraclides] as a friend and help him out,”\(^{764}\) Theon says that he is going to triangulate the acquaintance between Heraclides


\(^{762}\) Verboven, 292.

\(^{763}\) Tyrannus is a dioecetes, a low-level financial administrator, P. Oxy. 292, line 14/15

\(^{764}\) P. Oxy. 292, lines 5-7, διὸ παρακαλῶ σε μετὰ πάσης δυνά-/μεος ἔχων αὐτὸν συνεσταμέ-/νον.
and Tyrannus via Tyrannus’ brother, Hermias, who also knows Heraclides.\textsuperscript{765} The letter shows the social network coming full circle, so that everyone becomes \textit{amici} with everyone else, and the favors exchanged contribute to a friendship founded in mutual utility.

Just as in Verboven’s model, Archelaus’ letter leaves out the actual work that Theon might do on Domitius’ behalf, and it is also vague on what Archelaus hopes Domitius will do for Theon. Instead, Archelaus only asks that Domitius grant Theon access, so that the men could meet. This was likely to be the tip of the iceberg of benefits that Archelaus hoped this introduction would bring to his friend, but, rather than spell out those hopes, his words ask for the smallest of favors, just that Domitius consent to give Theon an audience. The simplicity of this request is likely the product of the imbalanced relationship between Archelaus and Domitius. Domitius is Archelaus’ superior, and is referred to, throughout the letter, as \textit{dominus}. Even though he is not asking for much, Archelaus is clearly begging, and is actually repeating a previous request for this same favor from Domitius, who was in a position to be a benefactor to both Archelaus and Theon if he so chose.

Unlike many letter writers, Archelaus has little to offer in terms of reciprocal benefits, though it is common to refer to these in letters of recommendation. Letter writers generally attempt, as Archelaus has done, to present the \textit{commendatus} as a worthy acquaintance of the addressee, but, in general, they also recognize that they are asking for a favor that requires repayment in kind.\textsuperscript{766} In contrast to Archelaus, Apollonius, writing in

\textsuperscript{765} P. Oxy. 292, lines 7-9, ἣρώτησα δὲ καὶ Ἐρμί[α]υ/ τὸν ἄδελφον διὰ γραπτοῦ ἀνηγε[ῳθαί]\(\)/ σοι περί/ τούτου.

\textsuperscript{766} Stowers, \textit{Letter Writing in Greco-Roman Antiquity}, 156–57.
the early 1st century CE, tells Sarapion, the strategos and gymnasiarch that, if he helps the third-party, Isidorus, Apollonius “will be indebted” to him, and “whatever [Sarapion] wish[es] to signify, [Apollonius] will do without delay.” Instead of making a similar offer, Archelaus leans on a personal appeal, asking Domitius to imagine that the two stood face to face, in which case it would be, presumably, harder for Domitius to refuse this request.

Again, as in John’s letter, there are some things that seem to be reserved for conversations in person, or requests that are just easier to make face to face. Oral communication will be considered in depth below, but in this context, it is important to note that discussions about reputation seem to have occurred frequently in person, and it was in that context that most negative accounts traveled. Our letters are at times aggressively positive, or even to border on exaggerations that cannot reflect reality. However, upon closer inspection, such statements seem to be fitting for the context in which the letters were utilized. It is here, far more so than in the text of the letters themselves, that we recognize that these documents would have been essential for traveling merchants. This context is visible in John’s Third Epistle, discussed briefly above. It is an unusual text for many reasons, but it is critical for our understanding of how letters of recommendation were received. John’s letter lingers over the details of the life of a faithful Christian, but the opening of his letter clarifies that this is not exclusively a reflection on Christian theology, but was intended to be a particular, and utilitarian, kind of response:

Ο ΠΡΕΣΒΥΤΕΡΟΣ Γαίῳ τῷ ἀγαπητῷ, ὃν ἐγὼ ἀγαπῶ ἐν ἀληθείᾳ.

Ἀγαπητέ, περὶ πάντων εὐχομαι σε εὐοδοῦσθαι καὶ ὑγιαῖνειν, καθός εὐοδοῦσθαι σου ἡ ψυχή. ἐχάρην γὰρ λίαν ἐρχομένον ἀδελφὸν καὶ μαρτυροῦντον σου τῇ ἀληθείᾳ, καθὼς σὺ ἐν ἀληθείᾳ περπατεῖς.

The elder, to dearest Gaius, whom I love in truth.
Dearest, I pray that you may prosper in all things and be healthy, even as your soul prospers. For I was very happy when brothers came and testified about your truth, even as you lead your life in truth.

Evidently John, the Elder, has recently received an unknown number of guests who have been sent to him by Gaius. He refers to these men as brothers, ἀδελφὸν, presumably because they are Christians and traveled specifically under religious auspices. Though it remains unmentioned, it seems clear that the brothers had carried some kind of correspondence with them, letters of recommendation and introduction from Gaius. The text may have included news of Gaius’ work and ministry, but it is clear that the brothers were in a position to report some details about Gaius to John orally as they had witnessed, μαρτυροῦντον, Gaius’ truth. John writes to express his pleasure at having received the travelers, either in earnest enjoyment of having met them, or, as he expresses to Gaius, because it was, in his mind, a vital service that Christians offered to their brothers and sisters. It is a central element of John’s complaints against Diotrephes that he did not offer similar hospitality to travelers who came to his congregation.

We have already seen in chapter four how traveling Christians relied on hospitality such as John has offered, and that he asks of Gaius in return. Paul utilized it when he came to Corinth, relying on the synagogue to secure an introduction to members of his own trade, and he requests that it be offered to Phoebe, a member of the church at Cenchreae, in his letter to the Romans. Paul urges the Roman church to help her

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768 3 John 1:1-3.
769 Romans 16:1-2.
However they can, since she will, apparently, soon be in Rome. This brief inclusion of a recommendation in the longer letter comes just before Paul mentions the tent makers, Priscilla and Aquila, with whom he worked and traveled. In the context of travel, both Paul’s own journey and that which Phoebe intends to make, letters of introduction would have been essential, as would social norms that encouraged fellow merchants to be generous hosts.

An example from Heliodorus’ *Æthiopica* makes this explicit, and demonstrates, once again, how reciprocity lay at the heart of the issue, that merchants hosted others so that they might be hosted in turn. In the passage, an old man describes the hospitality that his son has offered to Knemon, a young Athenian, who has arrived in Egypt:

> Βίος γὰρ, ὁ παῖ, κάκείνω πλάνος καὶ ἐμπορος καὶ πολλαὶ μὲν πόλεις, πολλὲς ἀνθρώποι γενόμενοι ἦτο τὲ καὶ νοῦς εἰς πειραματίκος ὁκουσίαν ὅθεν, ὅς τὸ εἰκός, ἄλλους τὲ κάμε ὁ πρὸ πολλῶν τῶν ἡμερῶν ἀλλῶντα καὶ πλανώμενον, ὁμορφίῳ ἐποίησατο.

For he leads a wandering life, boy, and (works as) a merchant. Many cities and the customs and minds of many men have reached his experience. On account of this, as is reasonable, he shares his home with others and even me a few days ago when I was lost and grieving.

For this merchant, having a home that was open to guests was believed, at least, to be a direct consequence of his work. He needed to display generosity and serve as a host, so that his own traveling needs would be met. The passage does not explicitly mention letters, but our evidence suggests that guests frequently arrived with letters of recommendation in hand, since it was not always possible to send a letter in advance of

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771 He travels with them to Syria, Acts 18:18.
772 Morgan, “The Story of Knemon in Heliodorus’ *Aithiopika.*” includes a summary of the main events of his subplot.
one’s travels, and to be sure that the letter would arrive in time to be useful.\footnote{774} Paul’s recommendation of Phoebe is actually quite unusual in this respect, as it does not seem to require that she be the courier of the letter, unlike in the case of Theon and Herakleides, mentioned above.\footnote{775}

Again, in that instance, Theon writes a letter of introduction for Herakleides:

\begin{verbatim}
Θέων Τυράννωι τοῖς τιμωτάτοις
πλείστα χαίρειν.
Ἡρακλείδης ὁ ἀποδιδόος σοι τὴν
ἐπιστολὴν ἐστὶν μου ἀδελφὸς·
dιὸ παρακαλῶ σε μετὰ πάσης δυνᾶς
μεως ἐχειν αὐτὸν συνεσταμένον…

Many greetings from Theon to the worthiest Tyrannus.
Herakleides, the courier delivering this letter, is my brother. Therefore, I appeal to you as much as I can to take him as your friend and help him out…\footnote{776}

Herakleides is explicitly the traveler here, indeed he is the ἀποδιδόος, the courier.

Herakleides seems to have been a scribe by trade and have held an official position as a basiliko-grammateus.\footnote{777} In this letter, Theon neglects to mention Herakleides’ skills, which may, perhaps have been irrelevant in this context. Nevertheless, it seems that Herakleides traveled to Tyrannus with the specific intention of at least using him as a host. Just as in the case of Paul and Phoebe, or John and Demetrius, Theon hoped to secure Tyrannus’ hospitality for Herakleides, based on his preexisting relationship with Tyrannus and, as mentioned above, with Tyrannus’ brother, Hermias. Theon does not lean upon Tyrannus’ moral obligation to offer hospitality, or even really, on the language of amicitia, which is so common in comparable letters from more elite contexts,\footnote{778} but on

\footnote{774} However, this had the unintended consequence of making letters of recommendation potentially suspect. See discussion about Milo and Lucius’ conversation below.
\footnote{775} This is also unlike other testimony in the New Testament. Acts 15: 27, ἀπεστάλκαμεν οὖν Ἰούδαν καὶ Σιλὰν, καὶ αὐτοῖς δὰ λόγου ἀπαγγέλλοντας τὰ αὐτὰ. Therefore, we are sending Judas and Silas to confirm by word of mouth the things we are writing.
\footnote{776} P. Oxy. II 292 lines 1-7 (c. 25 CE).
\footnote{777} P. Oxy. IV 746, see note 73 for further details.
\footnote{778} Thoroughly discussed in Verboven, The Economy of Friends, sec. III.3.
an equitable exchange of favors, in which Tyrannus can expect recompense in due
course. The rhetoric of the letter is very straightforward, and Theon does not couch the
request in language of morality or even of status. Compared to the request of Archelaus,
this case appears to demonstrate how the letter of recommendation or introduction might
operate between peers, where status differences did not place one party at an
immediate disadvantage to the other. As a consequence, Theon is placing himself
voluntarily in a position of debt, but, interestingly, seems to anticipate that the social
institutions he shares with Tyrannus will be sufficient to help his brother.

We have already seen a case of this kind of hospitality offered as a favor to a
friend in the case of Lucius’ visit to Hypata in the Metamorphoses. In that case, Lucius
was in the same position as Herakleides, acting not only as a traveler, but as courier. He
was dependent upon this reputation network working properly to secure his housing,
though we later learn that he could have avoided this process by staying with a relative.
The passage offers us the full details of Lucius’ experience of this kind of hospitality
networking, showing us at least one scenario in which a letter of introduction could be
put to work:

> Assidebat pedes uxor et mensa vacua posita, cuius monstratu “En,” inquit,
> lectis, “Amo,” inquit, “meum Demean, qui mihi tantum conciliavit hospitem.”

> His wife was sitting at his feet and there was an empty table set up, to which he
> pointed, and said, “Be welcome.” “Great,” I replied, and immediately I handed

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779 No matter how “distinguished” Tyrannus might be as dioiketes, a financial official, he does not seem to
hold a particularly elevated social position. We know from P. Oxy. IV 746 (16 CE) that Herakleides, at one
point, held a post as a basiliko-grammateus for both the Oxyrhynchite and Kynopolite nomes. Working for
two nomes was unusual and suggests that Herakleides was himself a man of competence, and possibly
importance. The status of Theon is unclear. White, Light from Ancient Letters, 118-119 #78 & 79.

780 Apuleius, Metamorphoses, 2.3, Lucius ultimately chooses not to stay with his aunt, Byrrhena, because
he wants to continue to cultivate his acquaintance with Milo, the moneylender, demonstrating that this
connection was valuable to him, even if Milo was a poor host.
over Demeas’ letter. Having read it quickly, he said, “I love my Demeas, who introduced such an important guest to me.”

Of course, Milo the moneylender, is not the ideal host. Lucius has already been informed that Milo is a stingy old miser, whose hospitality will be, at best, lackluster. The empty table that he “offers” to Lucius is undoubtedly intended to cement this, comically, in the mind of the reader, but the exchange of the letter here does seem, more or less, to conform to a plausible scenario. Lucius leads with the document he carries, handing it over *ilico*, immediately. He does not waste time trying to introduce himself or justifying his reasons for coming. These, we are made to understand, will all be dealt with in the letter. In fact, Lucius has already been short with Milo’s slave-girl, and has not offered any real indication of his purpose before this moment. The reader knows that he travels “on business,” but Milo knows only what he can glean from Lucius’ appearance, and, critically, what he will learn from the letter in his hands.

We can imagine a similar scenario for almost any of our addressees. None of them would have had immediate recourse to external information from which they could supplement their knowledge. Most arrivals were probably unexpected and they had few other sources from which they could learn more about their guest. In the moment, they would have to rely on the word of their correspondent and make a decision about granting or withholding hospitality relatively quickly. Due to the nature of our sources, we are frequently unable to say much about the relationship between the writer and the

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781 Apuleius, *Metamorphoses*, 1.22.
782 By the innkeeper at Apuleius, *Metamorphoses*, 1.21, though, as discussed below, the account that Lucius is given is hardly unbiased. The innkeeper is a consummate gossip, whose own business interests are implicated in her conversation with Lucius; she hopes that he will stay with her, not Milo.
783 Apuleius, *Metamorphoses*, 1.2 eam Thessaliam ex negotio petebam. I was traveling to Thessaly on business.
recipient. Milo certainly refers to Demeas with fondness, as *meus*, “my own” or perhaps “my friend,” but we have seen men ask their social superiors for favors via letters of introduction, which may or may not have been so favorably received. That seems to have been the case for not only Archelaus, who had to ask, at least twice, for a favor from Domitius, but also possibly for Diotrephes, who had apparently refused to offer hospitality to travelers. We only have John’s word about Diotrephes’ motives, but he may well have been justified in his refusal, if he was asked by someone to host strangers based on too slight an acquaintance or if the guests arrived at an inconvenient time or at short notice.

Nevertheless, there would have been some benefits to granting favors to one’s social inferiors. In the first place, granting a request held the possibility to accrue a favor that could be needed in the future. Even those of lower status could serve useful purposes, either in social or business settings, given the right circumstances. Secondly, as we have already seen in chapters four and five, displays of generosity to others were a useful strategy for developing a good reputation. Favors were a recognized form of generosity, and one which could provide an anecdotal case of one’s good character.784 Finally, the request itself was an acknowledgment of the superior position of the one asked, and of the inferiority of the one asking. This dynamic seems to have been readily understood by all those involved, and repeated requests for favor strengthened the prestige of the one being asked. Granting those requests strengthened the bonds of

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784 Verboven, *The Economy of Friends*, sec. II.2.7, discusses reputation and generosity in the context of loans, but his analysis may be readily transferred to other forms of favor granting.
dependency between the two parties, but also more firmly entrenched the social positions of both.\textsuperscript{785}

Of course, much would have depended on the letter itself, how it was written, who it came from, who the guest was, and the manner in which it was delivered. Milo reads the document Lucius carried quickly, \textit{properiter}, but his subsequent conversation with Lucius demonstrates that, while the very existence of the letter may have been enough to vouch for Lucius, the details of Demeas’ description were not irrelevant. In fact, it seems that Demeas offered a fairly extensive account of Lucius, including his family history and some details about his education. Milo offers Lucius a compliment on his appearance and good breeding and assures him that Lucius’ reputation will be enhanced by graciously accepting the meager hospitality that Milo can offer.\textsuperscript{786} In Milo’s mind, the letter has been established Lucius’ status as a young gentleman and Milo is prepared to offer him hospitality.

Of course, the exact details of this document are unclear. In all likelihood, Demeas, like our other letter writers, has introduced Lucius, given some defense of the traveler’s character, and offered some favor in return for Milo’s hospitality, but we cannot say for certain. We know nothing, really, about the relationship between Demeas and Milo, which is thoroughly extraneous to the novel’s central plot, but our meagre evidence suggests that Lucius has virtuously left the letter to Milo unread, thus preserving

\textsuperscript{785} There may, additionally, be an element of the Ben Franklin Effect at play here, where, having granted one favor for a person and having received their gratitude, the one asked became more willing to grant another. This would seem to be a fundamental factor in long-term patron-client dynamics. Though there were, obviously, more concrete benefits to be had from these relationships, the psychological impact of being recognized as the provider for others should not be underestimated.

\textsuperscript{786} Apuleius, Metamorphoses 1.23 \textit{Nam et maiorem domum dignatione tua feceris, et tibi specimen gloriosum arrogaris, si contentus lare parulo}. For you will increase the dignity of our house by your honor, and you will claim for yourself the appearance of glory, if you are content with our little home.
the secrecy of its contents. Demeas may have been relatively vague about Lucius or may have gone into more detail. The heavy-handed praise of many of these documents suggests that many letters talked up either subject, and there was, perhaps, an expectation of hyperbole. Milo’s response seems calculated to flatter Lucius’ ego, but we cannot be certain if this represents some idiosyncrasy of Milo’s, some comment of Demeas’, or a standard politeness that was expected in this moment of hospitality. It may well be that we are meant to see this as a humorous moment, since Lucius seems to be constantly referred to in the *Metamorphoses* as a young gentleman, though his behavior and choices show him to be rather impulsive and careless.

What seems more certain is that the letter does not contain much information about Demeas himself, as Milo insists on grilling Lucius for this information that evening before bed. Most of our extant letters neglect this kind of information and seem to expect that the letter carrier would provide an oral account of the sender. We have already seen it in the case of John’s letter, where the “brothers” provide him with an update on Gaius’ wellbeing. These seem to have been more than simply the first and safest point of common knowledge from which to being a conversation, but to have actually been an important part of the process of concluding the introduction. Guests were expected to confirm their identities by demonstrating that they actually knew the person who had written the letter. For the nervous Milo, this was almost certainly a final security measure, to make sure that Lucius was not secretly a robber who had stolen a letter from Demeas’ real messenger.

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This was a real concern in the context of Roman travel. Letters, even if they were sealed, might, conceivably, be forged or fall into the wrong hands. Criminals might take advantage of the natural inclination, or moral imperative, in the case of John’s letter, to offer hospitality and thereby gain access to homes that would otherwise be closed to them. We know that thieves were a particular concern for Milo, but his worries, while undoubtedly played up for comedic effect, are not without foundation. As a result, Milo requests a full update on Demeas’ welfare from Lucius. Lucius resents the request, given its timing, late at night, after a trying day, but it does not seem to have been an untypical request for a host to make of a guest. Furthermore, these kinds of conversations must have been essential components of building social and business ties. In the process of the discussion that begins with Demeas’ wellbeing, Milo is able to learn the details of Lucius’ business affairs, which would, plausibly, be an element in many of the conversations that followed the exchange of letters of introduction.

Talk of the Town—Gossip and Merchant Business:

The first book of the Metamorphoses is full of conversations, many of which involve business practices. We have already examined the conversation that Lucius had with an innkeeper in Hypata just before he came to Milo’s house. This woman spreads information about Milo behind his back, and places moral weight on the stories she tells about his appearance, social status, and business. As we have argued, her own status is implicated in the narrative that she tells about Milo, and it is possible that she hoped

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788 Apuleius, Metamorphoses, 1.23.  
789 Apuleius, Metamorphoses 1.21.  
790 See the full discussion in chapter four.
either to sway Lucius away from his decision to stay with this friend-of-a-friend, or to present herself as a knowledgeable and authoritative member of the community to this stranger, or both.

The innkeeper is a prototypical gossiper in many ways. Though Lucius prompts her to tell him something about his prospective host, automatically inviting her to gossip, the woman shares details that are well beyond the bounds of what he truly needed to know, and their content borders on being inappropriate to tell a complete stranger. As Chris Wickham has noted about a comparable case in the Medieval period, the innkeeper here is a “megaphone,” rather than a knowledgeable person who is sensitive to the situation at hand.791 She shares her information about Milo indiscriminately, and the passage leaves us to assume that she would have been equally indiscreet with anyone else who happened to visit. In Lucius’ case, she has not read Demeas’ letter and has never met this traveler before, nevertheless, she immediately begins openly criticizing Milo to a stranger who has just arrived. This may be a result of some personal animosity between the innkeeper and Milo, but, based on our text, we are led to assume that this woman is naturally gossipy, and would have been equally chatty if Lucius had come seeking information about another of her neighbors.

Gossip, of course, is hardly a neutral term in common parlance. It carries negative connotations that imply anything from pointless conversations born of boredom to malicious attacks undertaken to dismantle someone’s good name. Rather than rehearse the various uses of gossip, which have been duly noted throughout the extensive

scholarship on the subject, it will be more useful to establish what is meant by gossip in this setting. Wickham’s minimalist definition, “talking about other people behind their backs,” will be used here, with a few provisos to cover a few elements of gossip that are not under consideration here. Chief among these is the fact that we are not considering published texts as a form of gossip in this study. The aim here will be to narrow our focus to oral communication and to the informal ways that gossip spread reputation, rather than presenting a more formal, curated version of that same, or similar, information.

It is also worth noting that gossip is not understood to hold a particular, gendered social position in this study, in that it is not exclusively the province of women, nor will it be classified here into various levels of “seriousness” or “truthfulness.” These metrics that have been used in the past in an attempt to manage the contradictory nature of gossip as both a communication method that requires study, and an “idle” pastime that is generally discussed in both modern and ancient sources as at least trivial, if not morally suspect. Thus, the very subject of study seems determined to undermine attempts at objective analysis, as in form and content gossip always seems to be subjective. Our chosen definition has been intentionally selected to be neutral, to ensure that our net may

792 Whitfield, People Will Talk; Spacks, Gossip; Sabini and Silver, Moralities of Everyday Life, chap. 5; Guastella, Word of Mouth; Epstein, Gossip; Goodman and Ben-Ze’ev, Good Gossip; Fenster and Smail, Fama. The defense of gossip has been extensive in studies since the late 1980s, though the origins of these new, sociological studies of gossip seem to originate with Gluckman, “Gossip and Scandal.” which posited the social utility of gossip and opened up future investigation.

793 Wickham, “Gossip and Resistance among the Medieval Peasantry,” 11. Modern tabloid magazines are usually cited as “gossip” of this type, see: Spacks, Gossip, chap. 4. The ancient equivalent is difficult to spot, but may be seen in sensational narratives like Suetonius’ Vitae. This study will also avoid “gossip” that is written down, as this section intends to focus on conversation and evidence of the oral culture surrounding traders and craftsmen.


796 The former is a metric of Spacks, Gossip, 5ff. the latter is implied, at times, in Neubauer, The Rumour.
be cast as wide as possible and capture the widest possible array of evidence. However, our sources of and about gossip in the Roman Empire are clear that gossip was an undertaking that was negative by nature. As soon as an action is identified by someone as gossip, it was immediately classified as malicious, underhand, or a host of other morally-charged descriptors. The Roman understanding of gossip is important and informs how many of our sources think about their own actions, which are generally “not-gossip,” and about the actions of others, which are more likely to be “gossip” if they contradict the beliefs or values of the source. However, by considering gossip primarily as a type of conversation, we can witness gossip even when it has not been identified as such by our source and may consider that speech both with and without the lens of moral judgments.

Gossiping, whether or not it was identified as such by Roman merchants, was a tool, used by both merchants and the wider community to spread information that related to specific business affairs, or, more commonly, to the actions, character, or words, in short, the reputation, of the economic actors around them. Gossip was useful and provided merchants with a source of information to which they may not otherwise have had access.\(^\text{797}\) Gossiping transmits details, or, at times, more vague impressions, of events that not everyone witnessed. Accordingly, it is an activity that saves at least one person in the conversation, time and energy, in that they may substitute the content of the gossip for personal observation.\(^\text{798}\)

Of course, as we have discussed briefly above, “talk is cheap,” in that gossip is a relatively low-cost method of spreading and receiving information, and, as a result, it is

\(^{797}\) Zinovieff, “Inside Out and Outside In,” 124.
\(^{798}\) Whitfield, \textit{People Will Talk}; Spacks, \textit{Gossip}.
not always accurate. Again, the example of the *Metamorphoses* is instructive. When Lucius meets the cheesemonger on the road to Hypata, the man informs Lucius that he had been traveling in Thessaly because he had “learned… some fresh, tasty cheese was being sold at an especially good price.”\(^{799}\) When he arrived, he discovered that the cheese had already been sold. The exact means through which the cheesemonger “learned” about this bargain are not expanded on. It is possible that he had received word from a colleague, via a letter or a messenger. We have substantial evidence from Egypt of letters being sent, particularly to agents operating remotely,\(^ {800}\) with details about what to buy, when, from whom, and at what price, but nothing that might stand in as a proxy for such correspondence in Greece. Alternately, the cheesemonger may have learned of this deal in conversation with other tradesmen. The word choice of the passage offers us little clarity, as the verb of “learning” in this case, *comperio*, reveals nothing about the mechanics of the process, merely suggesting that the information was discovered by some unknown means.\(^ {801}\)

However, this information was clearly spreading among traders in these goods. The cheesemonger misses out on this purchase because the news of these goods had traveled too quickly to another place, reaching someone who could buy up the cheese before Lucius’ traveling companion could reach it. At some point in this sequence of events, a conversation might be imagined between the cheesemonger and an informant, one that shared details about where cheese was being offered for sale and who was

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\(^ {799}\) Apuleius, *Metamorphoses*, 1.5 *comperto… caseum recens et sciti saporis commodo pretio distrahi.*

\(^ {800}\) Aubert, *Business Managers in Ancient Rome*.; e.g. B.G.U. 1049 (41 CE), P. Fay. 123 (100 CE), B.G.U. 27 (2\(^ {\text{nd}}\) or 3\(^ {\text{rd}}\) cent. CE).

\(^ {801}\) *Comperio*, TLL, vol. III p. 2053, definition I “i. q. ab aliis (nuntio audiendo legendo sim.) de aliqua re certiorem fieri”.
selling it. The cheesemonger knows enough to be able to describe it as fresh and fine-flavored, which suggests that price details were shared along with substantial amounts of information about quality.\footnote{Price information seems one of the major categories of economic gossip, see all the rumors circulating about prices and grain hoarding from chapter two.} Peter Bang has looked at the cheesemonger as evidence for the volatility of ancient markets,\footnote{Bang, \textit{The Roman Bazaar}, 137.} but this same passage reveals not only the necessity for local knowledge that we discussed in chapter three, but also for the relationships and networks of communication that must have underwritten this kind of economic activity. Gossip is central to these networks and relationships, as it spread information and formed the bedrock of an oral culture we have only restricted access to now.\footnote{Guastella, \textit{Word of Mouth}, 64. on the dominance of oral culture in the ancient world; Spacks, \textit{Gossip}, 21. on gossip as an essential communication device.}

We have already seen an example of this kind of information sharing, of gossip functioning within pre-existing networks of friends and acquaintances. The story of the salt merchants from the Midrash, which we explored at the end of the previous chapter, provides a good example of information-sharing via gossip that is incidental to preexisting relationships. In that case, when the lead merchant deceives his colleagues, and travels to buy salt without them, his peers learn of his deception from his neighbors.

“What did he do? He loaded a sack on his ass and went off alone, while his friends slept till morning, [when] they called [him]. The neighbours asked: Whom do you want? So and so already went off last night. So they set off in the morning and found him on his way back.”\footnote{Safrai, \textit{The Economy of Roman Palestine}, 17. Buber ed., Midrash on Psalms 12.}

In the course of the passage, the words of these neighbors are a small point, but they do more in this moment than merely move the plot along. From this moment we can infer several points that are critical to our understanding of reputation and the means
through which it traveled. First, it is evident that, whatever the imagined arrangement of
this settlement, these neighbors lived at close enough quarters with the lead merchant that
they were able to witness his comings and goings.\footnote{Noted by Hunter, “Gossip and the Politics of Reputation in Classical Athens,” for Greek cities.} We have already stressed the
importance of reputation in similar face-to-face communities, and this passage reinforces
the matter: the reputation of merchants was publicly available, not only because they
personally broadcast their character and practices, but also because communities in the
ancient world were closely monitored by their members.\footnote{MacMullen, \textit{Roman Social Relations}; Veyne, \textit{The Roman Empire}, 72–75. A summary of the literature
to his date may be found in Botha, “Paul and Gossip,” 270. See also Plutarch, \textit{de curiositate}, 9, \textit{Moralia} 6.519F.} Neighbors watched each
other, observing patterns of behavior and noting anomalies. The result was, in cases such
as this one, that they were quickly able to see when a day-to-day action, like leaving the
house, became a moment that might define, or re-define, the reputation of their
acquaintance.

Second, these neighbors not only witnessed the actions of the lead merchant, they
also communicated what they had seen to others. “So and so already went off last night,”
is neutral information, but it is firmly gossip by our definition. The lead merchant is not
present, and though their statement seems strictly factual, they are conveying information
behind his back that he would not have spread himself or wanted to be spread by others.
It was his intention to keep this action private, to keep hidden a potentially reputation-
damaging choice, but in this community, observation combined with gossip, had the
ability to reveal information that was intentionally concealed. We do not have the
subsequent conversation between the neighbors and the merchants, or any conversation
between the neighbors and others, but, given the willingness of the neighbors to share
information with the merchants, we may suppose that this gossip would have spread further, with the addition of the details that the neighbors had learned: how the lead merchant had, evidently, deceived his peers, and that the testimony of the neighbors was proof of it.

While this additional information does not make “so and so already went off last night,” any more or less gossip, this context for the knowledge that the neighbors already had may have made it more interesting, and therefore transformed it into information that was more likely to travel, and travel quickly. As we have already noted, negative reputation information had a tendency to spread more quickly than positive or neutral information. The neighbors initially believed that they held the latter and were content to spread it as such when an occasion prompted them to do so but would not have had any incentive to spread the news of their neighbor’s journey without some outside factor to encourage them. In the moment, there is no reason to suppose that they thought of their speech as gossip, and it is likely that, to them, it was merely a conversation, sharing neutral information, that was prompted by the appearance of the merchants outside the house. However, upon learning more, it is likely that they would choose to share their knowledge further, since the context made it into news, not just a bare fact.

In this case, gossip could transmit information about the lead merchant through the network of, at least, the immediate neighborhood. These neighbors, having realized that they held a piece of news worthy of sharing as a result of their meeting with the merchants, now had the ability to reach out to others, spreading the story down the line.

\[^{808}\text{Craik, \textit{Reputation}, 50; Lupfer, Weeks, and Dupuis, “How Pervasive Is the Negativity Bias in Judgments Based upon Character Appraisals?”; Skowronska and Carlston, “Negativity and Extremity Bias in Impression Formation.”}\]
Those with whom they chose to share might be the result of coincidence or chance, depending on who they happened to encounter, or might be a more conscious choice. In the latter case, this information would promote one of the major social benefits that gossip can offer: the creation and maintenance of social groups. Wickham has noted that gossip, like reputation, is never spread uniformly across a society, and Whitfield has argued that there are, of necessity, individuals who become local opinion-leaders in the gossip community, and who are able to direct, to an extent, public opinion through their own status. This was an enviable position, as it empowered certain, well-informed people to leverage their ability to gossip into status for themselves, as, perhaps the innkeeper of Hypata hoped to do. As a result, they could define who belonged within their network, and who belonged outside of it, by choosing who to talk to, and who to ignore. Again, Wickham has already identified this as a major component of gossip’s role in society, that it “articulates and bounds identity, group memory, and legitimate group social practice.” Through gossip it is possible to consciously include or exclude, as well as to set and enforce moral parameters for the society.

For the Midrash passage, this is essential. The passage itself a moralizing, hortatory text, designed to encourage a specific set of approved behaviors and discourage another, complementary set. It also displays, in the figures of the neighbors, or, more specifically, the things the neighbors will tell others about the lead merchant, the institutional power of gossip. The concerns merchants had about gossip and the spread of information limited what merchants were willing to do publicly. There was, after all, a

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810 Whitfield, People Will Talk, 22.
reason that the lead merchant had traveled without informing anyone: he hoped to escape
notice, and thereby escape the damage gossip might do to his reputation. Though his
deceit was sure to be uncovered by his peers, he may have hoped, as we discussed in the
last chapter, that concern for the group reputation would keep his peers from spreading
his behavior too widely. His neighbors have no concern for either his personal reputation
or that of the collective, and their network had the power make his misdemeanor into
common knowledge, at least among their social group.

Of course, gossip was not only a byproduct of these networks of communication,
and a tool used by them to share news, but was also a means of further developing
relationships that already existed, and particularly to encourage trust between friends.
This is difficult to spot in the Midrash text, due to its brevity, but we see sure signs of it
elsewhere. One of our great sources for opinions on gossip is Plutarch’s De Garrulitate.
While Plutarch is strongly opposed to gossip, for moral reasons we will return to shortly,
his discussion of how gossip spreads unfounded rumors demonstrates that trust, real or
perceived, lay at the heart of many of the communications that people made regarding
reputation.

εἰ δ’ ἄφεις ἐκ σεαυτοῦ κατέχεις ἐν ἑτέρῳ τάπορρητον, εἰς ἄλλοτριαν πίστιν
καταπέφευγας τὴν σεαυτοῦ προέμενος. κἂν μὲν ἐκείνος ὅμιος σοι γένηται,
δικαίως ἀπόλωλας. ἂν δὲ βελτίων, σφῶν παραλόγως ἔτερον εὑρὼν ὑπὲρ σεαυτὸν
πιστότερον. ἀλλὰ ‘φίλος οὗτος ἐμοί.’ τούτῳ δ’ ἔτερός τις, ὃ πιστεύσει καὶ οὗτος
ὡς ἐγὼ τούτῳ: κάκεινος ἄλλῳ πάλιν· εἰθ’ οὗτος ἐπιγονήν λαμβάνει καὶ
πολλαπλασιασμόν, εἰρομένης τῆς ἀκρασίας, ὁ λόγος.
But if, having let the secret slip from yourself, you want to contain it in another
another, you have taken refuge in another person’s trust after abandoning your
own. And if that man turns out to be the same as you, you are justly ruined, but if
he is better, you are unexpectedly saved, since you managed to find someone
more trustworthy on your behalf. But “this man is my friend.” This man,
however, has another friend, whom he will trust also, just as I trust him, and that
one will trust another again. Thus, then, trusting receives an increase and a multiplication when incontinence is being discussed.\textsuperscript{813}

In this passage Plutarch derides those who, though unable to keep a secret themselves, nevertheless will tell someone else, expecting them to be trustworthy. He makes friendship the basis of this trust, presupposing that, among friends, there will be very few secrets. He simultaneously recognizes that these networks of trusted friends mean that nothing can be kept a secret for long. Everyone is equally incapable of keeping a juicy bit of news to themselves, and that no one feels that they should exclude their friend from the social group created by this gossip. Plutarch hopes that everyone will eventually be “ruined” by their desire to gossip, since they are all “betraying” the trust implicit or explicit in the original secret.

His treatment of the matter is, typically, moralizing in tone, yet, there is something fundamentally true about gossip revealed in this passage. Plutarch’s friends tell each other things not only because they cannot help themselves, and are unable to keep a secret, but because they trust their friend. Telling a secret to a friend was a demonstration of that trust, and an essential marker of the strength of the bond between the two people. As Emler and Guastella have both put it, sharing reputational information helps members of social networks, friends, neighbors, or family, understand whom they ought to trust.\textsuperscript{814} This is not only because the information may warn a person away from a potentially dangerous social or business partner, but because the very act of sharing the information demonstrates that there is trust between the two speaking. Particularly in the case of sensitive or particularly secret information, sharing creates an atmosphere of

\textsuperscript{813} Plutarch, \textit{De Garrulitate}, 10.
intimacy. The communicator tells his interlocutor that he is sharing this information specifically with him or her, and that it is not for general consumption.\textsuperscript{815} The interlocutor is made to feel special, important, and trustworthy, even if they will be unable to keep the secret themselves.

Trust is difficult to manufacture in commercial settings,\textsuperscript{816} as we have seen, due to the numerous stereotypes that painted merchants as dishonest and dishonorable. Gossip was merely one tool, and an unreliable one at that, for developing trust. As the cheesemonger learned, gossip did not have to be accurate, or could be accurate, but only under specific, and time-sensitive conditions. Gianni Guastella has already noted that a key issue with gossip, and its companion rumor, discussed by Hans-Joachim Neubauer in similar terms,\textsuperscript{817} is that its veracity depends on someone being willing to vouch for it, and for the speed with which it reaches a relevant ear.\textsuperscript{818} Most gossip is, at best, second hand knowledge, and it comes with provisos about when and where it was heard, rather than was witnessed. Thus, most gossipers are not able or willing to say if their gossip is true and will preface their statements in ways that automatically hedge and prevaricate. Furthermore, as with other kinds of information, old gossip is rarely useful, except in so far as it reveals something about the present.

Plutarch’s treatise offers another useful case. He uses the example of the rumor of the Athenian defeat in Sicily, and the barber who was called to relate the story he had heard to the assembly:

\textsuperscript{815} Wickham, “Gossip and Resistance among the Medieval Peasantry”; Gluckman, “Gossip and Scandal.”
\textsuperscript{816} Venticinque, \textit{Honor Among Thieves}, chap. 2. on trust mechanisms among traders, see discussion in chapter five.
\textsuperscript{817} Neubauer, \textit{The Rumour}, 172.
\textsuperscript{818} Guastella, \textit{Word of Mouth}, 135ff.
Since disorder arose, as was likely, the people gathering in the assembly proceeded to the source of the rumor. So, the barber was brought forward and interrogated, but he did not know the name of his informant but ascribed the beginning to a nameless and unknown figure. Therefore, there was rage and a shout from the spectators, “Torture and stretch the wretched man on the rack. He fabricated these things and organized it himself. Who else heard it? Who believed it?” The wheel was brought and the man was stretched. 819

As a profession, barbers in the Greco-Roman world had a bad reputation for being gossips. 820 It was a stereotype that seems to have been borne out in practice, as barbershops became gathering places for people to come and chat. 821 The result, however, seems to be that a barber might pick up a bit of news without being certain of its source, or being wholly aware of its original context. The barber was unable to name his informant when taken before the ekklesia, and was not only doubted, but tortured, for having spread his true, but as-yet-unsubstantiated, news.

The case raises an interesting point about the intersection of gossip and truth, and, more crucially, with the moral value placed on truth. Quite rightly, Romans were slow to give gossip full credence. There was, potentially, a great advantage in circulating a fabricated story, 822 an action which might be done maliciously to damage the reputation

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819 Plutarch, De Garrulitate, 13 (Aka Moralia 509a).
820 Plutarch, De Garrulitate, 13, ἐπιεικῶς δὲ λάλων ἄστι τὸ τῶν κουρέων γένος οὐ γὰρ ἄδολεσχότατοι προσφέροντες καὶ προσκαθίζοντες, ὥστε αὐτοὺς ἀναστηλώσας τῆς συνθείας. It makes sense that barbers are a talkative people, for the chattiest people come in and sit in their chairs, so that they are infected with the habit.
821 This is an extensive trope. See: Toner, “Barbers, Barbershops and Searching for Roman Popular Culture.”
822 Wickham, “Gossip and Resistance among the Medieval Peasantry,” 12 notes that this was “part of the fun” in gossiping.
of others, or to secure some benefit. Quintilian, arguing, at least in part, against the use of gossip in the courtroom, is clear that gossip was something:

...quod nulli non etiam innocentissimo possit accidere fraude inimicorum falsa vulgantium.

...which can even happen to anyone, even the most innocent person through the deceit of enemies who spread false reports.  

We have already seen the cheesemonger, who followed rumors of cheap cheese into Thessaly. While we lack exact details, we know that his journey was wasted. While he seems to imply that he was simply too late, acting on out-of-date information, it is also possible that a competitor might have intentionally fed him incorrect information, since the trip cost the merchant valuable time and money that he might have spent improving his business at home. Salvian, in the 5th century CE, reports that lying, to each other, but especially to customers, was endemic among Syrian merchants. While the lies he describes are not gossip in the strictest sense, it is clear that, at least from the outside, the oral culture of merchants was believed to be full of deceit, treachery, and backstabbing.

Of course, merchants must have, in the normal course of business, have gossiped about many things, but we do see a higher proportion of negative information being shared via gossip than by other means of spreading reputation information, like the letters of recommendation we examined above. In the previous chapter, we looked at how merchant groups might institute sanctions against their rogue members in formal and semi-formal associations. Gossip may fit into these means of constraining merchants as a

823 Quintilian, Institutes V.3.
824 Salvian, De gubernatione Dei, 4.14.69, Consideremus solas negotiatorum et Syricorum omnium turbas quae maiorem ferme ciuitatum uniuersarum partem occupauerunt, si aliud est uita istorum omnium quam meditatio doli et tritura mendaci. Let us consider only the throns of Syrian merchants who have seized the greater part of all our towns— is their life anything else than plotting, trickery and wearing falsehood threadbare?"
means of policing the behavior of group members. Gossip may have provided the community with a means to express its disapproval of an individual and his or her actions, without requiring a formal airing of grievances or the imposition of sanctions.

Though not about a merchant, the famous case of the inscription of the so-called Mactar Harvester concludes with a clear summary of the threat that gossip posed, and hints at the kind of institutional force that gossip could have in practice. The inscription has recently been reevaluated, and is likely to be a late 4th or early 5th century CE record of the life of an itinerant harvester, turned local elite.\textsuperscript{825} While the unnamed Harvester’s success comes from agriculture, it is important to note that he uses the same rhetorical frame that we have seen in the cases of merchants throughout the period: that he lived a blameless life, and did no harm to others in achieving his success:

\begin{verbatim}
VITAE PRO MERITIS CLAROS TRANSEGIMUS ANNOS
QUOS NULLO LINGUA CRIMINE LAEDIT ATROX
DISCITE MORTALES SINE CRIMINE DEGERE VITAM
SIC MERUIT VIXIT QUI SINE FRAUDE MORI.\textsuperscript{826}
\end{verbatim}

As I deserved, I spent the shining years of my life, years which no savage tongue has harmed with reproach.

Learn, mortals, to pass life without wrongdoing.

Thus, he deserved to die, he who lived without deceit.

The Harvester is proud to have passed his life without reproach, a sentiment we have already seen in the case of merchant inscriptions like those discussed in chapter four.\textsuperscript{827} He uses the same language we are already familiar with, claiming that men ought

\textsuperscript{825} Shaw, \textit{Bringing in the Sheaves}, esp. ch. 2. If Shaw is correct in his interpretation of \textit{manceps} in the inscription, which seems likely, the Harvester may have more in common with our merchants than initially meets the eye. At least at one point in his career, the Harvester may have worked as a broker, organizing the labor of others Shaw, 73–79. In that case, the Harvester would have been selling a service, and therefore been acting as a merchant.

\textsuperscript{826} CIL VIII 11824 cf. p. 2372 = CLE 1238 = ILS 07457 = ILTun 528; lines 24-28.

\textsuperscript{827} Also visible in another inscription found in Mactar, the inscription of Pinarius Mustulus, who \textit{quaestui fraude [sine ulla]}. See: Shaw, \textit{Bringing in the Sheaves}, 58 n. 42. for discussion and comparison with Mactar Harvester inscription.
to live *sine crimine*, and that he himself deserved his success having lived *sine fraude*. It is no accident that this is, exactly, the language used by Vibia Chresta to note her own success, which, like the Mactar Harvester, involved a substantial upward journey in terms of social and economic status. As it was for the freedwoman, it was important for the Harvester to display that his success did not come at the expense of others, and it demonstrates, even more forcefully, the theme of the inscription: the Harvester’s own hard work and achievement.

Importantly here, however, the Harvester escaped the work of the *atrox lingua*, the bitter tongue, of gossippers. Though his tone is all positive here, as well as hortatory, urging others to follow his own shining example, there is a strong sense that the Harvester held some anxiety about what these voices might have said. He is aware that their talk could have hurt him, *laedit*, literally something akin to wounding, and, in doing so, could have materially damaged his reputation. The Harvester’s solution is for people, *mortales*, to pass their lives in an upstanding manner, so there would never be an opening for reproach. His conclusion, that those who are deceitful, and we may, presumably include any number of other moral failings, deserve what they get suggests that the Harvester had a firm set of beliefs about what the correct way to live was, namely the one that would not make one’s reputation the subject of gossip.

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828 CIL IX 2029, see chapter four for a full discussion of Vibia Chresta.
829 Like Mithres, who is explicit about the *exemplum* he has made.
830 Not unlike the exhortation of Paul, discussed at the end of chapter four.
Gossip, Morality, and Reputation:

Clear instances of gossip are elusive in our sources, in part because of the extensive evidence we have for the negative feelings that gossiping elicited within Roman culture. We have already seen Plutarch’s objections to gossip, with his belief that this kind of aimless chatting encourages people to be bad listeners, to put words before actions, and to betray the trust of others by not keeping their confidence. Plutarch is hardly alone in his disdain for gossip. Authors, and particularly early Christian authors, present gossip as a gateway to lying, jealousy, and hypocrisy. Clement of Rome urged Christians to avoid gossip, but to cultivate humility, self-restraint, and fidelity to god. Their objections are hardly surprising, given the trouble that gossip posed for the early Church Fathers, and for Paul in particular, whose theological mission seems to have generated gossip and rumor in the communities that he visited. Ultimately, this gossip, spread widely and turned into action, compelled Paul to abandon his mission in several cities in the eastern Mediterranean. Though his letters and the record of Acts is not interested in the details, it is also possible that this gossip forced Paul to abandon his trade in some cases as well.

831 Plutarch, De Garrulitate, 1, καὶ τοῦτο ἔχει πρῶτον κακῶν ἡ ἁσιγησία, τήν ἀνηκοίαν. κωφότης γάρ αὐθαίρετος ἐστιν, ἀνθρώπων οἷσι μεμφομένων τήν φύσιν, ὃς μίαν μὲν γλῶτταν δύο δὲ ὀτί ἐχοῦσιν. And the first vice of talkative people is that being unable to keep silent, they are unhearing; I think this is a willful deafness in men, who blame Nature, that it has given us two ears, but only one tongue.
832 Plutarch, De Garrulitate, 4, πρὸς δὲ τὸν ἀδολέσχην οὐχ οὕτως ἔχομεν, ἀλλὰ πᾶσαν ἐν γροχή καὶ πᾶσαν ἁγιαρία διαφθείρει καὶ ἀπόλλυσι. But we do not feel this way about an idle talker; for the bad timing of his speech corrupts and destroys all the merits of his actions.
833 Plutarch, De Garrulitate, 10, quoted above.
834 Tertullian, Apologeticum, 7.8-12; Guastella, Word of Mouth, 86. notes that his view of fama was adopted and adapted by Isidore of Seville in his etymology 5.27.26-7.
835 1 Clement 15.
836 1 Clement 30:3-5.
We have already looked at the actions of Demetrius, the silversmith of Ephesus, whose riot, or perhaps protest, against Paul is recorded in Acts. In the previous chapter, we looked at how Demetrius was able to motivate members of his trade to protect their collective interests and reputation, but the very beginning of the passage demonstrates that gossip was also an important element in that case.

Δημήτριος γὰρ τις ὄνοματι, ἀργυροκόπος, ποιῶν ναοὺς ἀργυροῦς Ἀρτέμιδος παρεῖχε τοῖς τεχνίταις οὐκ ὀλίγην ἔργασιν, οὐς συναθροίσας καὶ τοὺς περὶ τὰ τοιάυτα ἔργατας εἰπεν, Ἀνδρεῖς, ἐπίστασθε ὅτι ἐκ ταύτης τῆς ἔργασις ἡ εὐπορία ἡμῖν ἐστίν, καὶ θεωρεῖτε καὶ ἀκοῦετε ὅτι οὐ μόνον Ἐφέσου ἀλλὰ σχεδὸν πάσης τῆς Ἄσιας ὁ Παῦλος οὕτως πείσας μετέστησεν ἰκανὸν ὄχλον, λέγον ὅτι οὐκ εἰσίν θεοὶ οἱ διὰ χειρῶν γινόμενοι.

For a certain man, Demetrius by name, a silversmith, who made silver shrines to Artemis, supplied not a little work to the craftsmen. Gathering these men together and also those workers from similar trades, he said: “Gentlemen, you know that we are prosperous from this work, and you see and you hear that, not only in Ephesus, but practically in all Asia, this Paul has persuaded a large crowd to convert, saying that gods made by human hands are not gods.”

Demetrius and the silversmiths know of Paul and his teachings from autopsy, from having seen it themselves, but they also have heard about his teachings, whether or not they have physically listened to him themselves. The arrival of a new and controversial teacher in Ephesus must have been a cause for gossip, and in Paul’s particular case it seems that those conversations may have taken on a negative tone in at least some cases. In fact, Demetrius is, in this very passage, gossiping, according to our definition, though, as we will discuss, it is unlikely that he would have classified his actions as such.

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The objections of Paul and other early Christian authors to gossip make sense if this was the kind of talk that circulated about them. Though the words of Demetrius could not hurt Paul within the community of his followers, they and others like them made a number of towns inhospitable places for Paul to stay and preach. Botha has argued persuasively that gossip, combined with the kinds of stereotypes that already circulated about tradesmen, made rumors about Paul particularly potent and likely to circulate.\textsuperscript{840} Paul, himself, objects strongly to gossip, railing against it in his second letter to the Corinthians\textsuperscript{841} and in his letter to the Romans, where he lists gossip among the faults of, “[men who] have become filled with every kind of wickedness, evil, greed and depravity. They are full of envy, murder, strife, deceit and malice. They are gossips, slanderers, haters of God, insolent, arrogant and boastful; they invent evil things; they disobey their parents; they have no understanding, no fidelity, no love, no mercy.”\textsuperscript{842}

All of these objections return, again and again, to the threat that gossip posed to the morality of both the individual and the community. Gossip is the necessary tool to spread Paul’s laundry list of sins and the passage is based on the fundamental assumption that gossip will always hurt others. The central belief was that those who gossip are liars who ruined the reputations of others in ways that Publilius Syrus has noted to be nearly irrevocable:

\textit{Quem fama semel oppressit vix restituitur.}

\textsuperscript{840} Botha, 282–85; Craik, \textit{Reputation}, 50; Lupfer, Weeks, and Dupuis, “How Pervasive Is the Negativity Bias in Judgments Based upon Character Appraisals?”; Skowronski and Carlston, “Negativity and Extremity Bias in Impression Formation.”

\textsuperscript{841} 2 Corinthians 12:20.

\textsuperscript{842} Romans 1.29–31, πεπληρωμένους πάση ἀδικία πονηρία πλεονεξία κακία, μεστοὺς φθόνου φόνου ἐρίδος δόλου κακοποίησες, ψυχραιμίας, καταλάλους, θεοστυγεῖς, ύβριστας, ὑπερηφάνους, ἀλαζόνας, ἔφευρετάς κακῶν, γονεότας ἀπειθεῖς, ἀσυνέτους, ἀσυνθέτους, ἀστόργους, ἀνελεήμονας.
He whom gossip has once put down will be scarcely restored.”

Yet, critically, in all these discussions, gossip is something that is either done by bad people, or happens to unfortunate, but good people, or both. Good people, like our authors, do not gossip, and, in the best-case scenario, do not get gossiped about. By the Roman understanding, it requires true malice to gossip about a good person, a fact that is preserved in both Paul and Quintilian, and it required substantial fabrication in the part of the gossiper. The Mactar Harvester’s inscription is clear that, if a person lived a life beyond reproach, it was possible to escape the atrox lingua of gossip. Paul supports this idea in 1 Thessalonians, when he urges his brothers to live with decency so they would avoid censure from others, but, as we have shown above, Paul clearly felt that the majority of the blame for gossip belonged with the gossiper, and it was that person’s sin that generated these lies.

Of course, by our definition, it is evident that even those who railed against gossip were themselves doing it as a means to spread information that was important to their work, whether theological or commercial. Paul can be seen doing it in his letter to the Galatians, where he reports, with harsh judgment, the actions of Cephas behind the man’s back to those who did not know Cephas themselves. As we have already seen, this is also the dynamic that is at play in John’s letter, and his feelings about Diotrephes. Neither man would have accepted that their words constituted gossip, which, to their minds, required a malicious intent. As this chapter has demonstrated, that was not always true. Gossip could be, and often was, a neutral activity, but the moral perspective taken

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844 1 Thessalonians 4:12.
by ancient society does frame the conception of gossip and its place within the social world of Roman merchants.

The impulse to gossip, even in these written forms, demonstrates that, even if it was considered to be a moral ill, gossiping was common practice. As Publilius Syrus records: *Miserum est tacere cogi quod cupias loqui,* “it is miserable to be forced to be silent about that which you would like to speak.” Not only, as discussed above, was this because it was difficult, and at times counterproductive, to keep gossip from one’s friends, but also because conversations fairly naturally tend toward gossip.\(^{847}\) A human subject is often more interesting than a non-human one, and, as we have noted throughout this project, the Roman economic world was always focused on the various personalities at play in trade. Social status was always connected to economic opportunities, and gossip was always implicated in attempts to determine or redefine the status of others.

Gossip, along with letters and other means, was a necessary tool for spreading reputation. For the people involved, it was useful, even if it was not always kind. In order to develop, hone, and codify the reputation of those with whom they interacted, Roman merchants needed to talk to one another, about one another. As we have noted, this was not always malicious,\(^ {848}\) but it generally did enforce certain codes of conduct, the morality that has pervaded all the ways that merchants have talked about themselves, and, in turn, been considered by others.

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\(^{848}\) Schein, “Used and Abused: Gossip in Medieval Society,” 145; Botha, “Paul and Gossip,” 274.
A final case illustrates this, the epitaph of Gaius Atilius Euhodus from the Appian Way. Euhodus was a freedman, and a pearl merchant who operated on the Via Sacra in Rome. His tombstone calls out to passersby:

HOSPES RESISTE ET HOC AD GRUMUM AD LAEVAM ASPICE UBEI CONTINENTUR OSSA HOMINIS BONI MISERICORDIS AMANTIS PAUPERIS. ROGO TE VIATOR MONUMENTO HIC NI(hi)L MALE FECERIS
C(aius) ATEILIUS SERRANI L(ibertus) EUHODUS MARGARITARIUS DE SACRA
VIA IN HOC MONUMENTO CONDITUS EST VIATOR VALE
EX TESTAMENTO IN HOC MONUMENTO NEMINEM INFERRI NEQUE CONDI LICET NIS{E}I EOS LIB(ertos) QUIBUS HOC TESTAMENTO DEDI TRIBUIQUE.\textsuperscript{849}

Stranger, stop and look to the mound on the left. The bones of a good, tender-hearted man, who loved the poor are held here. Traveler, I ask you to do no harm to this monument.
Gaius Atilius Euhodus, freedman of Serranus, a pearl-merchant of Via Sacra, is buried in this monument. Traveler, farewell.
By my will: it is not permitted for anyone to be brought into or buried in this monument except those freedmen to whom I have given and granted this in my will.
Euhodus is a good man, \textit{bonus}, and he lists his good characteristics. He is loving of the poor, a phrase perhaps meant to suggest his generosity, and he is compassionate, \textit{misericordis}. This is the reputation that Euhodus wanted for himself, the lasting memory that he hoped would follow him into death. He lists his profession, his association with his former master, but, like so many of his peers, gives us little evidence to describe the specifics of his business or its practices. For Euhodus, just as for Scaurus and so many of our other merchants, his business is wholly tied up in his character, the persona he has

\textsuperscript{849} CIL VI 9545.
carefully crafted. His description of himself is aggressively moralizing and designed to present a reputation that placed personal goodness above wealth or status.

Erich Gruen has posited that the style of such inscriptions and the claims they make was an affectation that had trickled down to lower socio-economic ranks from elites, who actively presented their moral standing as part of a “fashion” in rhetoric. As the previous chapters have argued, there can be little here that is a matter of fashion, as this kind of self-presentation was necessary for the practical business that men like Euhodus had to do. Just as much as elites needed to carefully craft a reputation and protect it as it was shaped by those around them, merchants guarded their good name. Morality was central, as their reputation, as a “good” man or a “bad” one, might mean the difference between social and economic success, and failure.

Conclusions:

This chapter has looked at two means that were used to transmit the reputations of merchants in the Roman Empire. Though they cannot possibly cover the full range of ways in which reputation traveled, they have offered us windows into how people learned about merchants, and how their opinions about them might be changed over time, either from the arrival of new information, or from an impression of consistency. Combined with the stereotypes that persisted around merchants, we have seen how and why merchants might be anxious for their reputation, since letters of recommendation could

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only offer so much cover, and gossip had a tendency to circulate nasty rumors as easily as, if not more easily than, the unvarnished truth.

On the one hand, letters of recommendation and introduction were a structured tool, one that was given shape by letter writing guides, and by the expectations of authors, recipients and, to an extent, the subject of the letters. These documents were intended to ease merchant travels, and generally act as tools that bolstered the reputation of the subject. We have seen that they are commonly positive and have noted how they might come to be essential for someone traveling to a new place. Reputation spread via letters through networks of friends, and amicitia was itself often structured around the ability of all the friends involved to offer each other support and hospitality, as well as to exchange favors both in the present and in the future.

On the other hand, gossip was specifically known for transmitting negative accounts, and was believed to be, in many cases, the direct result of malicious intent on the part of the speaker. This version of gossip is a highly limited perspective, given that gossip also communicated vitally necessary information about the state of the economy and the activities of merchant competition, but it reinforces the notion that it is in morality that we can find the essential concerns that merchants had about their reputations.

Reputation, which collects the opinions of both individuals and the community, was the creation of these processes, and, though it is difficult to find suitably summarized, it seems to be constituted in simple claims to goodness, honesty, and generosity like those of Euhodus, Onesimus, and others. These claims are context-specific and mean something different for the senator than they do for the slave, but a
good merchant could frame his goodness within the context of merchant stereotypes, and specifically as standing in direct opposition to them.

More than merely useful rhetoric for protecting one’s reputation, these claims enforced institutional standards by marking out which behaviors were good, which bad, and which held ambiguous positions in the moral infrastructure of Roman society. The result was that even those merchants who were not constrained by obligations to merchant organizations were subject to societal standards that everyone, merchant and customer, was invested in protecting and promoting. The merchant community policed itself, to prevent merchant stereotypes growing more negative, and through demonstrations of the morality of individuals, while those who did not work in those professions watched, commented, and passed on the behaviors that they saw to be outliers: either remarkably good or remarkably bad. The carrot of praise and the stick of censure built a moral structure that merchants could be expected to operate within, as they hoped to protect their reputations and, through their reputations, their economic opportunities.
CONCLUSION:

In its analysis of the social and economic lives of merchants in the later Roman Empire, this dissertation has collected a set of plausible strategies that merchants could adopt to find success in overcoming their professional challenges. It has done so by asking fundamental questions about what the major institutional factors were in the lives of merchants, and by close examination of what merchants had to say for themselves. Several conclusions may be drawn from the preceding chapters that have important implications for the future study of the social and economic world of the later Roman Empire.

The first and most essential conclusion, correcting the course of current investigation into the Roman economy, is the relatively limited effect of formal, state-generated institutions on the lives of merchants at every level of the socio-economic ladder. Though the rhetoric of these institutions is particularly forceful, the analysis of imperial legal pronouncements in this dissertation has shown that the intentions of the state were never systematic, and that its efforts to control economic activity never went unmediated by regional and local officials who had variable interest in transmitting and enforcing Roman law. Within these mediated imperial structures were innumerable smaller ones, including those that governed the interactions between individuals who represented their own interests, on the one hand, and the interests of the state, on the other. These local officials, tax and toll collectors, were the faces that that merchants put to the state, and their actions represented that body’s will, even if they did not accurately reflect the purposes of its imperial rulers.
Merchants operated within this context, balancing the demands of complex and, at times, competing structures of imperial, regional, and local bureaucracy with what seems to have been relative ease. Though it is clear that they operated under power imbalances that made them susceptible to predation, merchants leaned upon their familiarity with the personal, legal, financial, and social restrictions that governed their businesses, and upon the information they could gather by working with, or at least observing, their peers. They and their peers faced the same challenges: unpredictable and volatile markets, limited information, power imbalances, and social stigma. Their response was to turn to each other, and to leverage their community to maximize their chances of success. Theirs was a face-to-face trading world, where it was possible to know, at least professionally, all of the links in one’s economic chain, from supply through to final sale, including the officials whose demeanor could alternately help or hinder economic success.

Yet, in a face-to-face world, it was not only the faces of state officials that mattered, but also the faces of a host of other individuals who met and engaged with traders. This level of social and economic interaction has not been central to previous study, but there is much to be gained by shedding some light into the institutions that motivated and regulated merchant actors. In this social and economic setting, reputation served as one of the major institutions that provided structure to merchant experience and limited merchant choice. As an economic tool, reputation was widely recognized as essential. It was known that a good reputation in business, as an honest, honorable, and good man, or as the purveyor of a superior product, or both, was valuable, both socially and economically.
As a result, merchants adopted a wide variety of strategies to develop and project their good names. Though our sources privilege efforts to preserve and disseminate posthumous reputations, we are nevertheless fortunate to have numerous examples of merchants working to develop their reputation during their lifetimes. Often, this involved demonstrating their dedication to their work and the quality of their goods, but merchants are universally interested in showing their success through the ways in which their prosperity helped others. It is common for merchants to try to make their generosity, to their family, freedmen, or friends, apparent, or to otherwise publicize their contributions to their neighborhood or community. Often, it was important to merchants to associate themselves with a particular place, and to lean on the reputations of those places, as well as the memories of the residents there, to bolster their own reputations.

Yet this investigation has noted the consistent trend of anxiety that is revealed in these displays of merchant reputation. Merchants, concerned about the stereotypes that circulated about their professions and their professional integrity, sought to assure their audience that they did not embody the negative traits that were commonly attributed to traders and retailers. Expressions of negation are common, as merchants were eager to differentiate themselves from the stereotype. Often their efforts led to displays of euergetism, which offered concrete evidence that they might point to in order to prove their generosity and public-mindedness. In the latter case, merchants frequently worked together, pooling resources to enable them to contribute more as a collective.

These collectives offered merchants benefits that they could not achieve alone, but also enforced institutions to which independent merchants were not beholden. Membership in a group came with responsibilities, codes of conduct that applied both
among members and in the wider community. These groups helped merchants to present a united front against negative stereotypes and provided merchants with a network of useful social and business ties that, while they required maintenance, nevertheless generated new opportunities. Whether formally or informally constituted, groups of merchants working together benefited everyone involved, though the structure of these groups, and concerns about the relationships between the reputations of individuals and that of the collective, required that members of groups make some concessions to the needs of the whole.

Groups helped merchants to disseminate information about themselves, either through benefactions that the group sponsored or through the social and economic network that the group helped to stabilize and strengthen. The group could vouch for its members, just as individuals could, and our analysis has shown that they were particularly suited to introducing members of the same trade to one another and to facilitating travel arrangements. The latter was usually undertaken via group or individual letters of recommendation and introduction, which were a powerful tool for spreading reputation and easing the challenges of undertaking business away from home.

Letters were useful, but generally needed to supplemented by conversation. The limitations of the epistolary genre encouraged both writers and the subjects of their letters to communicate more detail when the subject and recipient were face to face. These actions were a more structured version of an activity that happened daily throughout the Roman world, gossiping. As we have argued, gossip was an essential means by which reputation spread. Though gossip networks often transmitted information unevenly or at irregular speeds, gossipers used the information they knew about the reputations of others
as means to reinforce the *mores* of their community, to build and develop trust, and to distance themselves and others from community members whose actions were deemed socially inappropriate.

Gossip enabled the community to inform itself of basic, necessary social and economic data, but also to enforce institutional limits, incentivizing some courses of action and discouraging others. Conversations that contained information about reputation served both purposes, and helped to develop narratives about merchants, constructing what would be considered “common knowledge” about an individual, constructing the reputation, or reputations, that individual would have. Merchants contributed to these conversations but were also at the mercy of the talk that circulated about them. Merchant were left them to monitor their reputation and to attempt to control its shape in an ongoing process that did not end even at death.

Ultimately, merchants spent considerable effort on their reputations because it was not a static thing, developed once and then set to the side; rather, reputation required constant care and maintenance. However, a good reputation was not without economic benefits that made these efforts worthwhile. The same merchants who proclaim their good reputations are also the ones who were successful enough to make a public record of their prosperity, and it is through their references to friends, family, and peers, as well as their social status more generally, that we see the concrete benefits that a good name could generate.

These findings have broad implications for future studies on both Roman society and the economy, and this project has endeavored to demonstrate that it is impossible to accurately reflect the one without the other. Society, and especially social norms acting as
informal institutions, was essential for determining the course of the economy in the Roman Empire. Economic actors were aware of, and invested in, their social standing, and adjusted their business lives in the service of their status in the community. The reverse, of course, was also true, that their social lives were enlisted in service to their businesses, ultimately creating an indivisible whole in the way that many merchants thought of their lives and work as inextricably connected. As with the study of collegia, where it is now generally held that it is wasted effort to attempt to extricate the social from the religious or the economic, we must accept that the economic labor of merchants cannot be disentangled from their communities and social contexts.

This ties merchants ever closer to the general population and may even throw their position as a separate social category into doubt. While their agency in trade separates them from their customers, we have seen that merchants can easily slide into and out of different economic roles, sometimes buying, sometimes selling, but always keeping an eye on how their reputation was being spread and received. This ambiguity and fluidity of categories is important and suggests that our understanding of economic and social decision making, more broadly, requires closer examination and reevaluation.851

Nevertheless, our study has demonstrated that merchants were considered, even if they did not always consider themselves, to be a distinct and definable group within Roman society. Stereotypes in the Roman world clearly segregated merchants, traders, and artisans from at least a more elite, land-based demographic. Merchants, operating

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851 This is, like NIE, essentially a matter of choice, and which one is the most attractive when faced with a particular set of circumstances. As this dissertation has argued, we must get back to the fundamental pressures that merchants were under if we hope to understand their social and economic lives.
under these stereotypes conceived of themselves and their work in response to the pervasive influence of these societal opinions. It will be necessary, going forward, to conceive of the many layers of Roman society on the terms that they themselves laid out. The merchants in this study occupy a broad spectrum of social positions that operated parallel to, as well as among, traditional social divisions, and these have not yet been fully explored, nor has this project been able to represent the full heterogeneity of Roman merchant experiences.

One means of accessing this variety will be to consider more closely the ways that region and period affected the kinds of techniques and materials that merchants used to represent themselves and display their reputations. While the underlying motivation for these displays remains stable across this period and these geographical boundaries, the methods of expression do seem to have developed differently depending on where in the Empire one was. Thus, merchant funerary inscriptions are more clearly an Italian phenomenon, while merchant group charters are only available to us from Egypt and in Gaul there are a large number of reliefs depicting merchant work in a local style. These regional or local decisions are likely the result of the particularities of the social settings in which these reputation strategies were adopted. Particular modes of expression reflected what those communities felt was the best way to express personal achievements, vent competitive tendencies, or broadcast reputation. This project has demonstrated that concern about reputation was a common feature of merchant experience, but there remains work to be done to refine the reasoning that made some strategies for projecting reputation more common in different places at different moments.
Furthermore, it is possible that the strategies that this project has identified can be more broadly applied to the inhabitants of face-to-face communities from other temporal and geographic areas. Since the formal institutions of the Roman Empire have been demonstrated to have been of minimal concern to the merchants of the period, there is no particular reason to assume that the circumstances of merchants in that time were unique, nor that the borders of the Empire delineated some special zone where these institutions applied, and outside of which, they did not. Future work will have to consider not just what is true of the social and economic lives of merchants in the later Roman Empire, but what continuities existed in the world beyond that time and place.
FIGURES:

Fig. 1: *Front Panel from the Sarcophagus of Titus Aelius Evangelus*, about 180 C.E., Italy, J. Paul Getty Museum, 86.AA.701

![Front Panel from the Sarcophagus of Titus Aelius Evangelus](image1)

Fig. 2: *Loculusplatte of Titus Aelius Evangelus*, mid-2nd century C.E., Italy. Medelhavsmuseet: MM1997:001

![Loculusplatte of Titus Aelius Evangelus](image2)
Fig. 3: *Wall-painting from the Fullery of Verecundus*, Venus Pompeiana and the Fullery (Pompeii, Regio IX.7.6)
Fig. 4: Wall-painting from the Fullery of Verecundus, Mercury and the Shopfront (Regio IX.7.7), photo and postcard (c. 1910)

Fig. 5: Apple-seller Relief, Narbonne, Le Musée Archéologique de Narbonne
Fig. 6: *Arch of the Argentarii*, photo: L'arco degli argentari, adossato alla chiesa di San Giorgio al Velabro, photo by Eugène Constant, 1848–52 Metropolitan Museum of Art, 2005.100.799 (14)
Fig. 7: *Wall painting of the Procession of the Carpenters* (Pompeii, Regio VI.7.8), Naples Archaeological Museum. Inventory no. 8991

Fig. 8: Wall-painting of a Procession in Honor of Cybele, House of Venus and the Four Gods (Regio IX.7.1)
Fig. 9: Urceus of Aulus Umbricius Scaurus, from Bernal-Casasola et al. (2016).

Fig. 10: Plan of the House of Aulus Umbricius Scaurus (Regio VII.16.15/16), Atrium at Room 2.
Fig. 11: House of Aulus Umbricius Scaurus, plan of Atrium of Entrance 15, from Curtis (1991)

Fig. 12(a-d): Details of Mosaics from the Atrium of the House of Scaurus (Regio VII.16.15/16)

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