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Corpse disposal in the Roman colony of Puteoli: Public concern and private enterprise

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In a short review of W. Simshäuser's book on *iuridici* and municipal jurisdiction in Roman Italy,[1] Martin W. Frederiksen referred to a pair of inscriptions from Puteoli and Cumae published in 1966 by Lucio Bove, the so-called *lex locationis de munere publico libitinario* (henceforth referred to as *lex libitinaria*). Frederiksen was well aware of the historical value of these texts: based on its suggested date (late Republican or Augustan), the Puteolan inscription shows that Puteoli was an Augustan colony, and that local enforcement of law and order required special provision, harbor towns being prone to unrest and vulnerable to crime. The chapter on Puteoli updated by Nicholas Purcell in *Campania* (1984) makes a passing reference to our text as illustrating the process of Augustan colonization on the Roman model (p. 331). While some of Frederiksen's conclusions based on the *lex libitinaria* have been put into question by John Bodel's dating of the text to the age of Sulla (mostly on linguistic grounds), the fact is that the *memorandus* had fully recognized the importance and the manifold relevance of the inscription that will be used as a starting point for this paper. Whereas the document has been used so far mostly to illustrate funerary practices and religious attitudes toward death, or some forms of social and political exclusion from municipal life, the approach adopted here focuses on its legal purpose in order to shed light on Roman managerial practices, Roman criminal law, and Roman law as a reflection of social realities.

[1] W. Simshäuser, *Iuridici und Municipalgerichtsbarkeit in Italien*, Munich 1973, with M.W. Frederiksen's review in *JRS* 65 (1975), 191-93, esp. 192.

First published in 1966/1967 by L. Bove, readily accessible in *L'Année épigraphique* 1971 (no. 88), the *lex libitinaria* was partly translated into English in a sourcebook on the Roman household by J. Gardner and T. Wiedemann (1991, no. 22). It was partly reedited in 1994 by John Bodel, on the basis of a fresh examination of the stone, in anticipation of a forthcoming new edition of his own.[2] However, it is fair to say that until recently the *lex libitinaria* has hardly received the attention it deserves. Bove and Bodel both went to a lot of trouble to try to fill the lacunae of the text, a worthwhile effort resulting in sometimes ingenious suggestions, but also a somewhat misleading endeavor since any reconstruction of the text can only be based on common sense or parallel examples, thus using known facts to produce non-facts. The notorious experience of the publication and reconstruction of the so-called *Testamentum P. Dasumii Tusci* (*FIRA* III^2, no. 48) – the later discovery of the missing right part of the first 19 lines proved every single proposed restoration wrong[3] – should have cured epigraphists from the temptation of what could be considered an exercise in entrapment for those using fragmentary inscriptions as historical documents. For that reason, I based my argument only on what seems to be actually visible on the stone, namely the text presented in the appendix below (Appendix 1), based on Bove's *editio princeps* reproduced in *L'Année épigraphique*, but subsequently checked against Hinard's recent, more accurate edition and partly inadequate photographs, as well as Bodel's unpublished draft, and pruned of all restorations. Supplied for easy reference, it is not to be regarded as a new edition.

[2] In an appendix of his monograph on the *Lex Lucerina* (*infra*, n. 4). I am most grateful to Prof. John P. Bodel for kindly sharing with me the result of his yet unpublished work. This paper owes him a great deal more than is acknowledged in individual footnotes. In the meantime, a new edition with French translation and commentary by a group of French scholars has been published: cf. F. Hinard - J.-Chr. Dumont (eds.), *Libitina: Pompes funèbres et supplices en Campanie à l'époque d'Auguste. Edition, traduction et commentaire de la* Lex Libitina[e] Puteolana, Paris 2003. Another French translation is available in an appendix to the introductory chapter in a volume dedicated to public contracts, cf. J.-J. Aubert, 'En guise d'introduction: contrats publics et cahiers des charges', in J.-J. Aubert (ed.), *Tâches publiques et entreprise privée dans le monde romain*, Neuchâtel/Genève 2003, 1-25. English translation: J.F. Gardner - T. Wiedemann, *The Roman Household: A Sourcebook*, London/New York 1991. Cf. also L. Bove, 'Due iscrizioni da Pozzuoli e Cuma', *Labeo* 13 (1967), 22-48 (and RAAN 41 [1996], 207-39 [*non vidi*]; F. De Martino, 'I supplicia dell'iscrizione di Pozzuoli', *Labeo* 21 (1975), 211-14; E. Cantarella, *I supplizi capitali in Grecia e a Roma*, 2nd ed., Milano 1991; J.-Chr. Dumont, 'L'enlèvement du cadavre', in F. Hinard (ed.), *La mort au quotidien dans le monde romain*, Paris 1995, 181-87; F. Hinard, 'La loi de Pouzzoles et les pompes funèbres', *ibid.*, 205-12; and D.G. Kyle, *Spectacles of Death in Ancient Rome*, London/New York 1998 (the list is not comprehensive).

[3] W. Eck, 'Zum neuen Fragment des sogenannten Testamentum Dasumii', *ZPE* 30 (1978), 277-95; and R. Syme, 'The Testamentum Dasumii: Some Novelties', *Chiron* 15 (1985), 41-63 for the proper identification of the testator.

Although some readers may be familiar with the overall content of the document, I will first give a summary of the provisions that survive,[4] with due emphasis on the legal aspects, before considering the inscription as a whole in its social and institutional context. Interestingly, the stonecutter went to the next line at what seems to be the end of a paragraph, emphasizing the structure of the content. This device is most visible in the first extant column, of which only the right part is preserved.

I. 1-10: Even though the beginning of the text is too fragmentary to make much syntactical sense, it is clear from the outset that we are dealing here with the disposal of corpses by cremation (*ustrin*(a), *ustor*), a task performed free of charge or against payment of a fixed fee per worker involved (*pro ustor*(e), *mercen*(ario)). Prices in the range of 4 and 10 sestertii are recorded.

I. 11-16: The second section contains a reference to an official, the *manceps*, who reappears several times in no ambiguous terms further on, obviously the owner, manager or legal representative of the company entrusted with the task described in the inscription. More prices (20 and 55 sestertii) are recorded, fees to be paid per worker and in relation to some distance to be covered by those involved in the operation. Undertakers seem to have billed their customers both in bulk (line 11: "manc omnia quae...") and in an itemized form (line 12: "pro ara", cf. also line 19: "pro chalc[idico]", for a porch?).

I. 17-18 + 19-25 + 26-28: In the present state of preservation, the three following sections do not add much to our understanding, recording additional prices in the same range as the ones mentioned earlier for unspecified tasks.

I. 29-32 + II. 1-2 (33-34): We get on better ground with the transition to the second extant column, in which physical damage is minimal and abbreviations rather standard. The text deals here with dereliction of duties, namely willful abandonment of corpses on the part of the *manceps* or his partner, thus indicating that the contract was made between the colony and a private company (*societas*), and that fines were levied in case of blatant breach of the said contract. According to an alternative interpretation, the provision would enable the entrepreneur to collect a fine from private individuals who had improperly discarded a corpse. Cases were to be

[4] Cf. also J.P. Bodel, 'Graveyards and Groves: A Study of the *Lex Lucerina*', *AJAH* 11 (1986) [1994], esp. 73-74, with a somewhat different perspective.

decided by the magistrate, although the colony was a party to the contract, according to a judicial procedure spelled out in the colonial charter.

II. 3-7 (35-39): The law regulates details of the life and activities of the morticians (workmen = *operae*, as opposed to the *manceps* and his partner), their place of residence, access to public facilities (bath) and to the downtown area (in their professional capacities only), dress code, personal data such as minimum and maximum age, physical condition, lack of criminal record (in the form of branding). It also imposes a minimum size for the staff (32 workmen).

II. 8-10 (40-42): Although the contract pertains to the performance of public work by a private entrepreneur, it also stipulates that individuals can privately turn to the same company and independently pay for services within the range of those provided as public contracts, namely the torture and/or execution of slaves, significantly by crucifixion or hanging on the fork.[5] The *manceps* is then referred to, for once, as *redemptor*. Undertakers thus double as private and public executioners, among which one can observe some degree of division of labor (l. 42: *carnifex*, *verberatores*, *operae quae patib*(ulum) *ferunt*). As in real estate rentals, the law determines the rights and duties of either party. As Barbara Bonfiglio remarks, this provision could be the earliest extant evidence for public control over the exercise of *ius vitae ac necis* by private slave owners.[6] Let us remember that the *lex libitinaria*, or some parts of it, may go back to the time of Spartacus' revolt.

II. 11-14 (43-46): If private individuals can only call for the execution of slave, male or female, the state, namely the colony of Puteoli, is likely to be concerned with the punishment not only of delinquent public slaves, but also of ordinary criminals of free status. The material provided free of charge by the executioner includes nails for crucifixion, pitch, wax, and candles probably for burning at the stake, and other unspecified items for other forms of execution. It is not sure that, on the basis of the following provision concerning the disposal of the corpse by dragging it with a hook to a mass grave, one can infer that the Puteolan *lex libitinaria* runs against the common practice of denying burial to crucified bodies (cf. the Milesian tale of the Widow of Ephesus in Petronius, *Sat.* 111-

[5] J.-J. Aubert, 'A Double Standard in Roman Criminal Law? The Death Penalty and Social Structure in Late Republican and Early Imperial Rome', in J.-J. Aubert – A.J.B. Sirks (eds.), *Speculum Iuris: Roman Law as a Reflection of Social and Economic Life in Antiquity*, Ann Arbor, MI 2002, 94-133, esp. 113-14.

[6] B. Bonfiglio, '*Lex locationis* di Pozzuoli e supplizio della croce', *Index* 24 (1996), 301-19, esp. 311.

112). The wording "ubi plura cadavera erunt" may refer to a local practice similar to the Roman one of exposing corpses on the *Scalae Gemoniae* or dumping them into the Tiber River.[7] However, notwithstanding differences due to local conditions and religious context (cf. Jesus' burial on the day of his crucifixion before the beginning of Sabbath), the Augustan period appears to have been a watershed in the way corpses of executed people were treated by law. A rarely cited text by Ulpianus, excerpted from Book 9 of his treatise on the duties of proconsuls (*Dig.* 48.24.1, *De cadaveribus punitorum*), reads as follow:

> The corpses of those who were sentenced to die are not to be withheld from their relatives: the divine Augustus writes in the 10th book of his autobiography that even he had observed this rule. Today however, the corpses of executed people are buried as if permission had been asked for and granted, with some exceptions, especially when the charge was high treason (*maiestas*). Even the bodies of those condemned to be burned at the stake can be claimed, obviously so that bones and ashes can be collected and buried.[8]

The same title of the *Digest* contains two more excerpts, respectively from Marcianus' second book on public crimes (*iudicia publica*) and Pseudo-Paulus' first book of *Sententiae*, which show that the matter was left to the emperor's discretion, and that imperial generosity and indulgence, however slow to come for those who had been deported or relegated, translated into custom in the Severan period[9] and into law by 300.[10]

Although the Puteolan *lex libitinaria* does not allow for private burial of executed criminals or slaves, it may illustrate to what extent local practices in a Roman colony reflect a global policy that tends to discourage

[7] V.M. Hope, 'Contempt and Respect: The Treatment of the Corpse in Ancient Rome', in V.M. Hope - E. Marshall (eds.), *Death and Disease in the Ancient City*, London/New York 2000, 104-27, esp. 112-15 with references.

[8] Ulpianus (9 *de officio proconsulis*) *Dig.* 48.24.1: "Corpora eorum qui capite damnantur cognatis ipsorum neganda non sunt: et id se observasse etiam divus Augustus libro decimo de vita sua scribit. Hodie autem eorum, in quos animadvertitur, corpora non aliter sepeliuntur, quam si fuerit petitum et permissum, et nonnumquam non permittitur, maxime maiestatis causa damnatorum. Eorum quoque corpora, qui exurendi damnantur, peti possunt, scilicet ut ossa et cineres collecta sepulturae tradi possint."

[9] Marcianus (2 [*iudiciorum*] *publicorum*) *Dig.* 48.24.2: "Si quis in insulam deportatus vel relegatus fuerit, poena etiam post mortem manet, nec licet eum inde transferre aliubi et sepelire inconsulto principe: ut saepissime Severus et Antoninus rescripserunt et multis petentibus hoc ipsum indulserunt."

[10] Paulus (1 *sententiarum*) *Dig.* 48.24.3: "Corpora animadversorum quibuslibet petentibus ad sepulturam danda sunt."

the exposition and/or abandonment of corpses as a public health hazard. To the executed persons and their friends and relatives, burial in a mass grave is a lot better – from both a social and religious point of view – than no burial at all.

II. 15-21 (47-53): My first reading of this section led me to understand it as pertaining to the supply of material and to communication between the employee in charge of that department and his boss(es), or any substitute or deputy, the point being that headquarters had to be notified in advance of foreseen needs for material and tools. Too good to be true! Such a reading does not fit the meaning of the following lines. Line 15/47 is somewhat corrupt, but Bodel's forthcoming ingenious restoration of the first two words will overcome the problem. Consequently, it shows that "customers" (i.e. taxpayers) were invited to apply for services directly to the entrepreneur or his associate, or to whoever was in charge (*institor*), or simply to leave a message at headquarters specifying where and when services were requested, and of which nature. Requests would be processed and answered in the order in which they had been received, except for the death of a member of the municipal elite (*decurio*) or of a young person, which would be given priority treatment. Let us remember that we are dealing with a class society with a high child mortality.

II. 22-23 (54-55): Priority disposal is the subject of the next provision. Suicide by hanging was to be dealt with within an hour's time,[11] day or night, although the deceased person's servile status allowed for postponement until the morrow if death occurred late in the evening. It shows that night-shifts were avoided as much as possible, even for such a low level activity.

II. 24-30 (56-62): Swift service may not always have been available or provided. This was the time when unlicensed morticians would come into action. The rules of free market then applied, and not only could the public contractor not sue for breach of his monopoly, but he had to pay double the fees paid by the customer in addition to compensatory damages fixed by a judge in accordance with some provision of the municipal charter.

II. 31-34 (63-66): Penalty fines for breach of contract is the subject of the next section. The procedure involved such drastic measures as *pigneris captio*, or compulsory payment exacted by the town treasurers (*quaestores*).

[11] On ancient abhorrence to death by hanging and suspension of bodies, cf. Aubert, 'A Double Standard', cit. (n. 5), 113 and 124-27.

The reader's easy days are over as we get to the last column, where the text is again incomplete due to the loss of the right part of the stone.

III. 1-4 (67-70): As we are dealing with a monopolistic situation, there was a significant risk that a parallel market would develop to provide better or cheaper services. Illegal competitors and opportunistic customers would be condemned to pay a fine to the public contractor, as the town would watch over the latter's interest and enforce the monopoly. The issue of why the colony was so gung-ho over maintaining the monopoly will have to be addressed later on.

III. 5-10 (71-76): The next section deals with the question of who was responsible for taking care of the arrangement – and payment – of the proper disposal of the corpse. Family members – agnates or cognates – may not have been available, and the duty fell upon dependants, room-mates, life partners, etc. Municipal magistrates had to establish by any possible and legal means the identity of the deceased – which was possible if he or she was a registered citizen of the colony – and who should consequently foot the bill, and then use compulsion and fines to ensure proper cooperation on the part of whoever was deemed responsible for that.

III. 11-16 (77-82): Since undertakers were paid according to the number of workmen involved, it may have happened that public contractors tried to maximize their profit by sending more than the minimal staff necessary to do the job, which resulted in unwanted expenses for the customer. The colony was willing to curb this kind of abuse by granting a remedy (*formula* = *actio*) to a plaintiff against the undertaker, his sureties or his heirs.

III. 17-19 (83-85): This rather cryptic section deals with commodities and facilities provided free of charge by the colony to the undertaker, in particular a funeral parlor (*cella*) and wood (for cremation?).

III. 20-21: Undertakers were supposed to exhibit the present charter in a visible spot in their main office located wherever they chose fit to rent or settle. This provision combined with the above-mentioned invitation to submit requests for services directly to headquarters suggests a conveniently situated location (in the forum, for instance), separate from the mandatory residence of affiliated workmen confined outside the city wall (cf. above, II. 3 = 35). Executives in the funeral business may not have been physically excluded from civic circles in the same way as workmen in the same trade (cf. below).

III. 22-25 (88-91): The final dispositions of the law pertain to the payment of stiff fines (100 sestertii) to the municipal treasury for each case of breach of contract, perhaps including delicts by the staff, and to the execution by *pignoris captio* and *exactio*, taking and exacting of a pledge.

While we arrive at the end of the document, we have to admit, as both Bodel and Hinard have remarked, that the concern of the colony had little to do with religious and ritualistic purity. On the contrary, the impression we get – and it is supported by Bodel's study of burial arrangements of the lower classes in ancient and premodern societies[12] – is that of a town potentially overwhelmed by the problem of unburied corpses. The nature of the epigraphic and iconographic evidence on tombstones tends to make us forget that poor people died, too. Their friends and families may not have been willing or even able to spare the money for what remained a relatively costly procedure, the most modest burial requiring the combination of an unappealing and labor-intensive activity and the availability of space or fuel. On the other hand, abandoned corpses turned out to be a major inconvenience, if not a health hazard. As those who have experienced mid-summer strikes by sanitation personnel in New York City know all too well, garbage disposal in modern urban centers is a sensitive political subject about which public authorities have little leeway. So was it probably in ancient cities with regard to the disposal of corpses, both human and animal. The *lex libitinaria* should be regarded as the institutional answer to a recurrent problem that every single ancient city had to address. The simultaneous discovery of a similar document in nearby Cumae proves it, and what is surprising is not the double occurrence in two neighboring communities, but the dearth of other *leges* of the same kind throughout the empire.

The *lex libitinaria* is a *lex contractus*,[13] comparable to the somewhat earlier *lex (locationis) parieti faciundo Puteolana* (*FIRA* III^2, no. 153, 105 B.C.), that is the description of rights and duties of the individual or company entrusted by the colonial/municipal authorities with the performance of specific tasks in order to tackle the problem at stake. Even though the grunt work was less than attractive, it must have been easy

[12] J.P. Bodel, 'Dealing with the Dead: Undertakers, Executioners and Potter's Field in Ancient Rome', in V.M. Hope – E. Marshall (eds.), *Death and Disease in the Ancient City*, London/New York 2000, 128-51, essential for all that follows; and now idem, 'The Organization of the Funerary Trade at Puteoli and Cumae', in S. Panciera (ed.), *Libitina e dintorni*, Rome 2004, 149-70. I thank Prof. Bodel for showing me his contribution before publication.

[13] Aubert, 'Contrats publics et cahiers des charges', cit. (n. 2).

to find contractors (as opposed to workmen) at all times due to the steadiness of the business of death. However, the performance was likely to be faulty unless each party's responsibilities were spelled out. The accountability of the undertakers as entrepreneurs could be imposed only through a monopolistic system strictly controlled by magistrates eager to facilitate the execution of the contract with the provision of space, material, and information leading to the enforcement of family or group solidarity. The contract determined the tasks to be done and the itemized prices for each type of work, imposed a few services to be performed free of charge, which were thus of a liturgical nature (*munus*), and left room for some independent work to be done at will, according to availability in terms of leisure and resources. This is quite consistent with what we know of other contracts of hire and lease, for instance the famous contracts for the lease of pottery workshops in mid-third-century Oxyrhynchus, whereby the rent was paid with the delivery of a fixed quantity of goods, in that case containers of specific sizes and shapes, the surplus production being sold on the market for the sole profit of the workshop manager.[14]

At Puteoli, the authorities had to pressure the contractor into fulfilling his obligations to the satisfaction of the community. Not only the abandonment of corpses was prohibited and punished with fines, but some control was exerted upon the company with regard to the personnel involved. If the *lex libitinaria* insists upon the hiring of men not too old or not too young, in acceptable physical conditions, and in numbers fixed at a minimum, it is a sign that contractors were not only prone to downsizing, but were also hiring pariahs, namely the elderly or youngsters, sick or handicapped people, criminals and good-for-nothings. The only reference to morticians in the whole *Digest* is telling in that regard: in a discussion of the *actio institoria*, usually concerned with the contractual liability of entrepreneurs for the transactions of their agents, Ulpianus quotes the Augustan jurist Labeo on a case featuring a *libitinarius* whose slave *pollinctor* had robbed a corpse, probably by appropriating some jewels or clothes. The liability of the principal is not for an agent's contract, but for an employee's delict, which gives rise to an *actio quasi institoria*. Similar examples are rare and involve for instance peddlers, fullers, and

[14] *P.Oxy.* L 3595-3597. Cf. J.-J. Aubert, *Business Managers in Ancient Rome: A Social and Economic Study of Institores, 200 BC – AD 250*, Leiden 1994, 253-55, with earlier bibliography; and idem, 'The Fourth Factor: Managing Non-agricultural Production in the Roman World', in D.J. Mattingly – J. Salmon (eds.), *Economies Beyond Agriculture in the Classical World*, London/New York 2001, 90-111, esp. 103-04.

sailors, all of them members of groups suffering from a bad reputation in Antiquity.[15]

Why would contractors have hired questionable characters and even those in insufficient numbers, if the job to be done was as lucrative as could be expected? The answer to this question can only be tentative. First, respectable people may not have wanted to spend their lives in such an unpleasant and disreputable trade, with all its trappings. Others had nothing to lose, and some, like the elderly and children, may have been compelled by economic reasons to accept whatever was available on the job market. Second, the business of death is seasonal[16] and unpredictable, with substantial fluctuations linked to epidemics and weather conditions. It is likely that the company would have to resort to day laborers in times of high mortality, just as in other economic sectors, above all agriculture. But once again, the social connotation of the trade may have discouraged those who could find work elsewhere, and, to begin with, the market for temporary labor may have been rather restricted at all times. The third reason, as we will see, may be suggested by the fragmentary content of the Cumean inscription and by the lost part of the Puteolan law.

The opisthographic inscription from Cumae (cf. below, Appendix 2), the title of which remains obscure ("...] et iis qui in terri[..."), has usually been considered as the equivalent of the Puteolan *lex libitinaria*. It is fair enough to note that while some words and expressions point definitely toward the activities of undertakers ("sepelir[...]" and "ustore"/"ustor") and executioners ("carnifex publice" and "carnifices"), the rest is much more ambiguous. The text speaks of "arca" (*coffin*, but also *landmark* or *milestone*), "fossam facere" (*to dig a grave* or *a ditch*), "pontem super cloacam" (*a bridge over a sewer*), "strator" (a *warden*, but also a *worker paving roads* or a *roadmaker*),[17] "machina" (a *device for exposition* or

[15] Ulpianus (28 *ad ed.*), quoting Labeo, *Dig.* 14.3.5.8: "Idem [= Labeo] ait, si libitinarius servum pollinctorem habuerit isque mortuum spoliaverit, dandam in eum quasi institoriam actionem, quamvis et furti et iniuriarum actio competeret." Cf. also *ibid.* 9 (peddler for a baker); *ibid.* 10 (fullers); and Ulpianus (28 *ad ed.*) *Dig.* 14.1.1.2 (sailors). Ulpianus (6 *ad ed.*) *Dig.* 3.2.4.1 records that the Hadrianic jurist Celsus did not count the *designatores* among those "qui notantur infamia" in spite of their exclusion from magistracies and the senatorial/curial order; cf. E. Lo Cascio, '*Praeconium* e *dissignatio* nella *Tabula Heracleensis*', *Helikon* 15-16 (1975-1976), 351-71, esp. 361-62, n. 23.

[16] Cf. the excellent study by B.D. Shaw, 'Seasons of Death: Aspects of Mortality in Imperial Rome', *JRS* 86 (1996), 100-38.

[17] Most interestingly, Col. I (verso = B), line 11, is read "poli[...]" by Bove and poll[inctor?] by Bodel (in his forthcoming edition). A *politor* (polisher) would not be out of place in the building industry.

torture, but also a *scaffolding*), "clavus," "restis," "calamus" (*material for torture*, but also *building material*): the terminology used in the text, while fitting the context of the business of death, obviously applies to other economic activities as well, such as the building and maintenance of roads or other facilities. Here again, restorations are more distracting than helpful. Could it be that the *lex contractus* was describing a whole set of activities connected with public work?

Let us go back for a moment to the Puteolan inscription. According to the first editor, the extant part of the inscription represents perhaps one half or maybe even less of the whole text.[18] In view of the amount of information related to the tasks performed by morticians and executioners in the last three columns, we can wonder what could have filled the initial column(s), except for the short technical part concerning *socii* and *praedes*: perhaps some provisions concerning the burial of rich people, if the monopoly was extended to their funeral arrangements as well. Animal remains would presumably have been dealt with, however briefly, after humans, if at all. Why not envisage the possibility that some other jobs, less disreputable, were detailed? After all, a *lex contractus* is very similar to a *lex praepositionis*, as both are job descriptions. We know from several excerpts compiled in the *Digest* (14.3) that double appointments may have been quite a common approach to effective management, be it the combination of agriculture and manufacturing, or moneylending and trading in oil.[19] Diversification had long been recognized as a strength in economic matters. In the case of undertakers, it could bring a social benefit as well.

Several municipal laws, among them the *Tabula Heracleensis*,[20] bar *libitinarii* from public offices and membership in the senatorial or curial orders, possibly in order to avoid potential conflicts of interests rather than because of their association with a despised activity. However, the evidence collected by Bodel about undertakers shows that they were men of conspicuous economic means and social importance.[21] They are

[18] John Bodel kindly informed me that his own inspection of the Puteolan inscription in Naples lead him to think that there is room for only one column (at most two) on the left.

[19] Ulpianus (28 *ad ed.*) *Dig.* 14.3.13 *pr.*; Paulus (29 *ad ed.*) *Dig.* 14.3.16. Cf. J.-J. Aubert, 'Workshop Managers', in W.V. Harris (ed.), *The Inscribed Economy: Production and Distribution in the Roman Empire in the Light of* instrumentum domesticum, *JRA* Suppl. 6, Ann Arbor, MI 1993, 171-81; and idem, *Business Managers*, cit. (n. 14), for further examples.

[20] *FIRA* I², no. 13 = *Roman Statutes* I (ed. M.H. Crawford, London 1996) no. 24, esp. lines 94-96 and 104-107. Cf. E. Lo Cascio, '*Praeconium* e *dissignatio*', cit. (n. 15), 351-71; and idem, 'Mazzochi e la questione della *Tabula Heracleensis*', in *Studi Lucani*, Galatina 1976, 77-107.

[21] J.P. Bodel, 'Dealing with the Dead', cit. (n. 12), 135-44.

however completely absent in Latin inscriptions, including epitaphs, possibly because, not unlike *institores*, being scorned for their association with the overt pursuit of profit, they managed to advertise themselves under different labels. If we think of Gaius Iulius Proculus, the caricatural and fictitious character in Petronius' *Satiricon* (38.15), it would be hard to believe that a man of his standing – before he went bankrupt – would not take steps to commemorate his name and achievements on a tombstone. The cover of more respectable activities, such as the trade of *lapidarius* (Habinnas) or the legal position without any specification (*manceps*, *redemptor*, *conductor*), would certainly suffice to ensure the *post-mortem* respect that his social role and economic stature must have commended during his lifetime, at least among his social peers.

The *leges* from Puteoli and Cumae provides fascinating insights on some aspects of the administrative life of Campanian communities at a specific time, probably during the first century B.C. A detailed reading of the texts yields information that can – and must – be supplemented by a more generic type of sources, the extant opinions of preclassical and classical jurists in – assumed – connection with observed social practices and seldom recorded imperial policies. The combination of the specific and the generic results in justifying extrapolations from the solution to a local problem to the phrasing of more general questions of the kind that ancient historians have to answer globally, though mostly through case studies. This observation reminds us that the respective approaches of both M. Frederiksen and M.I. Finley, are equally valid as long as they are used in complementary ways, to allow us to grasp an elusive reality and write about it with some degree of pertinence.

APPENDIX 1

AE 1971, n. 88 (*Lex libitinaria Puteolana*)

CO LIBITINA (*title*)

Column A = Ø Column B = Ø Column C(?) = Ø Column D(?) = I

1		[...] CESSER GRATVITA HAEC
2		[...]N SVBLAT ET AT VSTRIN PER
3		[...]SIN AVTEM PRAESTAR SIBI
4		[...]NT Q PRAESTANTVR TANTI EI
5		[...]G IN M P SING DVM NE VLTR
6		[...]R PRO VSTOR D HS IIII N AVT
7		[...]MERCEN HS X N VTR EOR MALLVE
8		[...]MER FVER DECESSER PRAE
9		[...]T CVRABITVE PRO SING
10	[...]	
11		[...]MANC OMNIA QVAE AD
12		[...]MI HS XX N PRO ARA
13		[...]ASSES SING PRO OPER
14		[...]NE VLTR M V HS LV N
15		[...]PER SING DVM NE VL
16	[...]	
17		[...]SIVE SVIS SIVE MANC
18	[...]	
19		[...]HS XXIV N PRO CHALC
20		[...]A MIN HS VIII N PRO
21		[...]N AVT SI VLTR VOLET
22		[...]SVO VTETVR VSQ AD
23		[...]PER SING IN M P HS XX
24		[...]S [.]IGN REM SAR
25	[...]	
26		[...]ANTVND PRAESTAR
27		[...]RRI VOLET TVM
28		[...]HS VIII N
29		[...]VANTVM IN IPSIVS
30		[...]R C E IDEM PRAEST D
31		[...]EREND CVRATO ET
32		[...]T TVM IS MANCIPI

COLUMN E(?) = II

33/1	SOCIOVE EIVS QVOTIENSCVMQ PROIECER IN SING CADAVERA HS LX N D E D DEQ EARVM MAGISTRAT RECIPE
34/2	RATORIVM IVDICIVM E LEGE COLON COGITO
35/3	OPER QVAE AT EAM PRAEPARAT ER NE INTRA TVRREM VBI HODIE LVCVS EST LIBIT HABITENT LA VENTVRVE AB H I
36/4	NOCTIS NEVE VENIANT IN OPPID NISI MORTVI TOLLEND CONLOCANDVE AVT SVPPLIC SVMEND C DVM ITA
37/5	QVIS EOR VENIAT QUOTIENS OPPID INTRAB IN OPPIDVE ERIT VT PILLEVM COLOR IN CAPIT HABEANT ET
38/6	DVM NE QVIS EOR MAIOR ANN L MINORVE ANN XX SIT NEVE V[...] NEVE LVSCVS NEVE MANC NEVE CLODVS
39/7	NEVE CAE[...] NEVE STIGMAT INSCRIPT SIT ET NE PAVCIORES MANCEPS OPER HABEAT QVAM XXXII
40/8	QVI SVPPLIC DE SER SERVAVE PRIVATIM SVMER VOLET VTI IS QVI SVMI VOLET ITA SVPPLIC SVMET SI IN CRVC
41/9	PATIBVL AGERE VOLET REDEMPT ASSER VINCVL RESTES VERBERATORIB ET VERBERATOR PRAEBER D ET
42/10	QVISQ SVPPLIC SVMET PRO OPER SING QVAE PATIBVL FERVNT VERBERATORIBQ ITEM CARNIF HS III D D
43/11	QVOT SVPPLIC MAGISTRAT PVBLIC SVMET ITA IMPERAT QVOTIENSCVMQ IMPERAT ER PRAESTV ESSE SV-
44/12	PLICIVM SVMER CRVCES STATVERE CLAVOS PECEM CERAM CANDEL QVAEQ AD EAS RES OPVS ERVNT REO
45/13	GRATIS PRAEST D ITEM SI VNCO EXTRAHERE IVSSVS ERIT OPER RVSSAT ID CADAVER VBI PLVRA
46/14	CADAVERA ERVNT CVM TINTINNABVLO EXTRAHERE DEBEBIT
47/15	QVOT CVIQ EX IS REBVS QVI H VTIQ PRAEBER O PRAEBERI VOLET DENVNTIAT DENVNTIATVE CVRA-
48/16	TO MANC EIVS PVBLIC SOCIOVE EIVS EIVE AD Q E R Q D A P AVT S IS PRAESENS NON ERIT AD EVM LOC
49/17	QVEM LIBITINAE EXSERCEND GRATIA CONDVCT CONSTITVTVE HABEB QVO DIE QVOQ LOC QVAM
50/18	QVEM R EI PRAEBERI VOLET ET ITA DENVNTIAT ERIT TVM IS MANC SOCIVSVE EIVS ISVE AD Q E R Q D
51/19	P EI QVI PRIMVM DENVNTIAVER ET DEINCEPS RELIQVIS VT QVISQ DENVNTIAVER NISI SI FVNVS
52/20	DECVRION FVNVSVE ACERVOM DENVNTIAT ERIT CVI PRIMA CVRAND ERINT RELIQVOR AVTEM FV-
53/21	NERVM ORDO SERVAND OMNESQ RES QVAE EX H L PRAESTAND ERVNT MITTER PRAEBER QVAE PRAEB
54/22	SVSPENDIOSVM CVM DENVNTIAT ERIT EAD HORAD IS SOLVEND TOLLEND CVRATO ITEM SERVOM
55/23	SERVAMVE SI ANTE H X DIEI DENVNTIAT ERIT EAD DIE TOLLEND CVRATO SI POST X POSTER D A H II
56/24	SI PER MANC SOCIVMVE EIVS EVMVE AD Q E R Q D A P MORA FVERIT QVOMIN OPER ALIASVE RES
57/25	QVAS H L EVM MITTERE VTIQ PRAEBER OPORTEB MITTAT PRAEBEATVE TVM IS QVI FVNVS FACIET CV-
58/26	RABITVE EAS RES PRAEBEND SIN D M LOCATO QVOT ITA PRAEBEND LOCAVER IS CONDVXER VSVSQ ER[..]
59/27	OB EAM R ET QVI ID PVBLIC EXSERCEB NEQVE DARE NEQ PRAESTAR DEBET QVANTO PLVR LOCATVM [...]-
60/28	DVCTVMVE FVERIT MANC SOCIVSVE EIVS ISVE AD Q E R Q D A P EI ALTER TANTVM [.....]
61/29	CONDVXER PRAESTAR DEBETO DAMNASQ E D DEQ EA RE MAGISTRAT RECI[.....]
62/30	DICIVM E LEGE COLON COGITO
63/31	QVOD PVBLICE IVSSV MAGISTRAT DENVNTIAT ERIT LEGEQ CAVT ERIT V[...]
64/32	DEBEAT SI ITA FACTVM NON ERIT EI MAGISTRAT MVLTAM DICIT [...]
65/33	EARVMVE MVLTARVM PIGNERIS CAPTIO EXACTIOQ ESTO [.....]
66/34	PER QVAESTORIBVS INFERENDVM CVRATO

COLUMN F(?) = III

67/1	SI QVIS A[...]VS PRAETER MANCEPS SOCII[...]
68/2	COMPREHENSVM EST ANTE DENVNTI[...]
69/3	HS C N D E D ITEM QVI CONDVXERIT EID [...]
70/4	DEQ IS MVLTIS MAGISTRATVS IVDICIA [...]
71/5	SI CONTROVERSIA ERIT COLONVS QVI SIT A [...]
72/6	LIBERTAVE AVT CONCVBINA EORVMVE CVI [...]
73/7	PERTINEANT QVOD EX H L PETITVR IS QVI FV[...]
74/8	RE ET OMNIBVS IVSTIS PERMITTI MAGISTRA[...]
75/9	EA CAVSA ESSE QVAE H L EXCEPT EST DVPLVM EVM [...]
76/10	IISVE FACERE IVBETO EIVSQ MVLTAE PIGNVS CA[...]
77/11	MANCEPS NE PLVRES SOCIOS EOS D QVIB ID NEGOT GER[...]
78/12	CVRATO SI PLVRES ESSE DICENTVR IS QVI AGET SI VOL[...]
79/13	DICEM IRE DE HAC RE RECIPERATOR IS IVDEXVE DETVR [...]
80/14	PREHENS [.]ST FORMVLAQ AB EO QVI I D PRAERIT CONSTI[...]
81/15	PTOR PRAEDESVE HEREDESVE CVIVS EORVM ET COLON COLO[...]
82/16	QVI D E R [..] AGERET HEREDIQ EIVS ALIA HS X D D E
83/17	MANCIPI S[...]OVE EIVS SIVE AD Q E R Q D A P HAEC GRATVIT PRAESTA[...]
84/18	ET CELL[...]NER[...]EAM SVNT ITEM LIGNARIA QVAE ANTE HVNC DIE[...]
85/19	LIBITI[...]XSERCENDAE PRAERAT
86/20	MAN[...]C LEGEM PROPOSITAM HABETO EO LOCO QVEM EIVS R[...]
87/21	GR[...]VCT CONSTITVTVM HABEBIT V D P R L P
88/22	SI [...] MANS SOCIVSVE EIVS ISVE AD Q E R Q D [...] P FECERIT ITAVE QVI [...]
89/23	[...]TA AB EO CAPITE COMPREHENS TVM IS IN RES SING IN AERAR CO[...]
90/24	[...]ERRE DEBETO HS C N EARVMQ MULTARVM MAGISTRATVM PIGN[...]
91/25	[...]OQ ESTO

APPENDIX 2

AE 1971, no. 89 (*Lex libitinaria Cumana*)
ET IIS QVI IN TERRI (= *title*)

Column I recto (A)

1	[...]AVE ARCA EFFVSOR
2	[...]S EFFERETVR ITA VT
3	[...]FACIANT OPERIANT
4	[...]HS XX N DARE DEB
5	[...]XVI N D D
6	[...]AD FOSSAM FACIEND
7	[...]SVM HS XII N D D
8	[...]A COOPERTA LIBER
9	[...]MILLIARIVM PRIM
10	[...]CONDVCTORIS IN
11	[...]LTRA MILLIAR PRIM
12	[...]ILLIAR AMPLIVS HS
13	[...]ARCA SVAQ FOSSA
14	[...]M PRIMVM
II r (A)	
15/1	TERRITORIOVE MANCEPS [...]
16/2	ET ARCA TOLLERE AC SEPELIR[...]
17/3	SI CARNIFEX PVBLICE VEL A[...]
18/4	CVLVM EDET DESIDERABIT[...]
19/5	CARNIFICES DIESQVE SIM[...]
20/6	CONDVCTOR ACCIPERE[...]
21/7	SI PONTEM SVPER CLOACA[...]
22/8	DVCTORE DESIDERAVERI[...]
23/9	SI VTI NOLVERIT PRO CON[...]
24/10	CONDVCTOR PONTEM A[...]
25/11	BLICA GRATIS PRAESTARE[...]

26/12	GRINVS PEREGRINAVE[...]
27/13	BAIS FINIBVS TERRITORI[...]
28/14	DECESSERIT PRO EIS REBV[...]
29/15	SVPRA PRAESTANDA MVN[...]
30/16	SCRIPTAE SVNT PRO IIS O[...]
31/17	[.]VPLVM PRAESTARE D[...]
32/18	[...]NAVE SERVO[...]
33/19	[...]CO MAG[...]
34/20	[...]
35/21	[...]
Column I verso (B)	
1	[...]
2	[...]CVM[...]M
3	[...]FACTA IN VNIVERS HS LX N D D
4	[...]VESTITVQ VTI(?)TVR STRATORI ET(?)DE IDQ
5	[...]HS VIII N D D PRO MACHINA CON
6	[...]RAESTAND CLAVO RESTE CALAMO
7	[???]SI PLVRES OPERAS QVAM SEX DE
8	[...]VS IN OPERAS SING SINGVLAQVE
9	[???]SI SVIS OMNIB REBVS SVISQ
10	[...]VI SVIS OPERIS FECER STRATORE ET POLI(?)
11	[...]M PRO PVBLIC HS XII D D SI I(?)AN
12	[...]DER PRO EA HS VIII D D SI VSTORE
13	[...]SI VSTOR VTI NOLVERIT NIHIL DEBEB
14	[...]OR SERVO SERVAEVE PERMISSV MAGISTR
II v (B)	
15-29	mostly unintelligible : [...]