

**Criers, Impresarios, and Sextons:
Disreputable Occupations in the Roman World**

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ABSTRACT

SARAH E. BOND: Criers, Impresarios, and Sextons: Disreputable Occupations in the Roman World
(Under the direction of Richard J.A. Talbert.)

Roman law stigmatized not only the individual but also the collective for dishonorable acts. Numerous professions incurred varying degrees of disrepute that carried legal and civic disabilities. Professionals in the sex and entertainment trades who incurred the legal stigma of *infamia* have been investigated by modern scholarship; yet, those people who worked in the disreputable occupations of *praeco* (crier), *dissignator* (event coordinator), *libitinarius* (funeral director), and in the mortuary trade have not been fully discussed in terms of either the reasons for their disrepute or their significance within social, economic, administrative, and religious networks. To counteract this void of literature, I analyze the status and role of these professionals from the Republic to Late Antiquity. Through this research, I show the origins of social perceptions of disrepute and their codification into legal statute in the first century BCE, and illustrate the creation of a marginal society that was placed outside the civic realm in Roman cities. I argue that these professionals were crucial negotiators between the civic and marginal society. Moreover, my use of predominantly epigraphic remains such as dedications and epitaphs allows me to investigate the identities and associative relationships formulated by these professionals, as well as the shifts in their status related to broad administrative and religious changes in the Roman world. The elevation of groups of funeral workers in Late Antiquity—*fossores*, *copiatae*, *decani*, and *lecticarii*—and their use within the minor orders of some early Christian churches illustrates

this status shift. Though disreputable, these professionals did have a level of social and economic mobility and served as vital cultural mediators within Roman society.

For Matthew.

Acknowledgments

In writing this dissertation, I learned that it “takes a village” to raise a scholar. Without the efforts of my advisor, Richard Talbert, this dissertation would not have been possible. Rather than assigning me a dissertation topic, he allowed me to come to the subject of disreputable occupations on my own, and permitted me the space to formulate my own ideas and analyses. “Funeral workers!” I proclaimed as I walked into his office. “Yes, what about them? Moreover, why should I care?” he answered. As a result of his encouragement and his inquisitions, these marginal and rather unnoticed professionals became more than just novelties within Roman society, more than outcasts. He challenged me to decipher individuality and to establish the significance of these workers within Roman society. In the same manner that my disreputable persons came to have a clearer identity, I too uncovered newfound interests and strengths while investigating them.

The strong mentorship of my committee members also served to shape and inform this dissertation. James Rives helped me to tackle difficult questions in regard to Roman law, and allowed for this project to extend proficiently into early Christianity and the Late Antique period. Always the positive force, Brett Whalen’s advice guided me toward considering new religious and theological questions in evaluating my archaeological data within an early Christian context. Fred Naiden helped me to approach the Greek East and to grapple with the Egyptian papyri, while Werner Riess—whose expertise in epigraphy has guided me throughout my graduate education, from here to Heidelberg and back—helped me

to better understand marginality and the use of epitaphs. I deeply appreciate all the red pens and office hours spent for my benefit by the committee members.

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List of Abbreviations

- AE *L'Année Epigraphique* (Paris: Presses Universitaires de France, 1888-).
- BGU *Aegyptische Urkunden aus den Königlichen (later Staatlichen) Museen zu Berlin, Griechische Urkunden* (Berlin: Staatliche Museen Preussischer Kulturbesitz, 1919-).
- CAG *Carte archéologique de la Gaule* (Paris: Académie des inscriptions et belles-lettres, 1988-).
- CIA *Corpus des inscriptions latines d'Albanie*, edited by Skënder Anamali, Hasan Ceka, and Elizabeth Deniaux (Rome: École française de Rome, 2009).
- CIL *Corpus Inscriptionum Latinarum* I-XVI (Berlin: Akademie der Wissenschaften, 1863-).
- CLE *Carmina Latina Epigraphica*, edited by Franz Bücheler, Alexander Riese, and Ernst Lommatzsch (Leipzig: Teubner, 1930).
- CPJ *Corpus papyrorum Judaicorum*, edited by Victor Tcherikover (Cambridge: Harvard University Press, 1957-64).
- EE *Ephemeris epigraphica: Corporis inscriptionum Latinarum supplementum* (Rome: Instituto di Corrispondenza Archeologica; Berlin: Deutsche Akademie der Wissenschaften, 1872-1913).
- EDR *Epigraphic Database Roma*. Rome. University of Rome and the International Federation of Epigraphic Databases, directed by Silvio Panciera.
- FIRA *Fontes Iuris Romani Antejustiniani*, 2nd ed. (Florence: Barbèra, 1940-3).
- HEp. *Hispania Epigraphica*. Archivo Epigráfico de Hispania. Universidad Complutense (Madrid: Instituto de conservación y restauración de bienes culturales, 1989-).
- HD *Epigraphische Datenbank Heidelberg*. Heidelberg. Heidelberger Akademie der Wissenschaften, directed by Géza Alföldy.
- ICUR NS *Inscriptiones christianae urbis Romae. Nova series* (Rome: Ex Officina Libraria Doct. Befani, 1922-).

- ICVaticano *Le iscrizioni dei cristiani in Vaticano: materiali e contributi scientifici per una mostra epigrafica*, edited by Ivan Di Stefano Manzella (Vatican City: Monumenti, Musei e Gallerie Pontificie, 1997).
- IG *Inscriptiones Graecae* (Berlin: de Gruyter, 1873-).
- IGRR *Inscriptiones graecae ad res romanas pertinentes avctoritate et impensis Academiae inscriptionvm et litterarvm hvmaniorvm collectae et editae* (Paris: E. Leroux, 1901-).
- IGUR *Inscriptiones Graecae Urbis Romae*, edited by Luigi Moretti (Rome: Bardi, 1968-1990).
- ILAlb. *Iscrizioni latine d'Albania*, edited by Pellegrino Sestieri (Tirana: Instituti mbr. i studimevet shqiptare, 1943).
- ILJug. *Inscriptiones Latinae quae in Iugoslavia...*, edited by Anna Šašel and Jaroslav Šašel (Ljubljana: Cgp Delo, 1963-86).
- ILCV *Inscriptiones Latinae Christianae Veteres*, edited by Ernst Diehl (Berlin: Weidmann, 1925-1967).
- ILLRP *Inscriptiones Latinae Liberae Rei Publicae*, edited by Attilio Degrassi (Florence: La Nuova Italia, 1965).
- ILM *Inscriptions latines au Maroc*, edited by Louis Chatelain (Paris: Geuthner, 1942-).
- ILMMalaga *Inscripciones latinas del museo de Málaga*, edited by Encarnacion Serrano Ramos and Rafael Atencia Páez, (Madrid: Dirección General de Bellas Artes, Archivos y Bibliotecas 1981).
- ILMN *Catalogo delle iscrizioni latine del Museo nazionale di Napoli*, edited by Giuseppe Camodeca (Naples: Loffredo, 2000-).
- ILS *Inscriptiones Latinae Selectae*, edited by Hermann Dessau (Berlin: Weidmann, [1892] 1954).
- Inscr. It. *Inscriptiones Italiae* (Rome: La Libreria dello stato, 1931-).
- IRCPacen. *Inscricoes Romanas do Conventus Pacensis*, edited by José Encarnação (Coimbra: Instituto de Arqueologia da Faculdade de Letras, 1984).
- LMentana *Il Lapidario Zeri di Mentana* (Rome: Istituto italiano per la storia antica, 1982).

- MAMA *Monumenta Asiae Minoris Antiqua*. Publications of the American Society for Archaeological Research in Asia Minor (Manchester: Manchester University Press, 1928-62).
- NS *Notizie degli scavi di antichità* (Rome: R. Accademia dei Lincei, 1876-).
- O. Berl. *Ostraka aus Brussel und Berlin*, edited by Paul Viereck (Berlin-Leipzig: de Gruyter, 1922).
- P. Brux. Dem. *Die demotischen Papyrus der Musées Royaux du Cinquantenaire*, edited by Wilhelm Spiegelberg (Brussels: Vromant, 1909).
- P. Charite *Das Aurelia Charite Archiv*, edited by Klass A. Worp (Zutphen: Terra Publishing, 1980).
- P. Grenf. (II): *New Classical Fragments and Other Greek and Latin Papyri*, edited by Bernard P. Grenfell and Arthur S. Hunt (Oxford: Clarendon Press, 1897).
- P. Heid. *Veröffentlichungen aus der Heidelberger Papyrus-Sammlung. IV= Griechische Texte der Heidelberger Papyrussammlung*, edited by Bärbel Kramer and Dieter Hagedorn (Heidelberg: Winter, 1986).
- P. Iand. *Papyri Iandanae* (Leipzig: B.G. Teubner, 1912-).
- P. Oxy. *The Oxyrhynchus Papyri* (London: The Egypt Exploration Society in Graeco-Roman Memoirs, 1898-).
- REG *Revue des études grecques* (Paris: E. Leroux, 1888-).
- Sup. It. *Supplementa Italica* (Rome: Edizioni di storia e letteratura, 1981-).

Chapter 1

Introduction

... Horatius Balbus... gives burial places, at his own expense, to his municipal townsmen and other residents, except for those who have hired themselves out as gladiators, committed suicide, or pursued a polluted craft for profit...¹

In a short inscription, Horatius Balbus illustrates two major characteristics of Roman society – inequality and social prejudice – in stipulating who was allowed to be buried in the cemetery he donated to the Italian city of Sassina in the first century BCE. Roman society was a complex matrix of interpersonal relationships and socio-legal statuses determined by factors such as birth, gender, age, wealth, and profession. Inclusion or exclusion based on these categories was common. Women, *liberti*, and *servi*, for example, were banned from municipal offices and did not enjoy the same civic protections and benefits as Roman *cives*. Certain professions were also deemed shameful or disgraceful. Individuals who engaged in them were primarily affected by social stigmatization, but from the late Republic on, a more formal stigmatization of these professions appears within Roman law. These restrictions were disseminated in the form of municipal charters, such as the tablet from Heraclea, and by the judicial template provided by the Praetor's Edict, which set out the legal principles followed

¹ CIL XI, 6528=ILS 7846: '...] Hora[tius ---] / Balb[us ---] / municipibus [su]/eis incoleisque [lo]/ca sepultura[e] s(ua) p(ecunia) dat / extra au[ct]oratis et / quei sibi [la]queo manu(m) / attulissent et quei / quaestum spurcum / professi essent singuleis...'

by the urban praetor.² Further, local laws also indicate the marginalization of certain professions; in the case of the *lex Libitinaris* from Puteoli, the funerary trade and its practitioners were severely regulated.³ Legal and literary records demonstrate that throughout the Roman world, certain people were legally stigmatized because of their profession. Modern scholarship, however, lacks a synthetic analysis of the social role of disreputable tradesmen in geographical and chronological perspectives. The purpose of this dissertation is to examine the social and legal standing of several overlooked disreputable professions and to assess changes in their status and role within Roman society from the late Republic to the sixth century CE. Analyses of these professionals will not only provide better insight into the capabilities of disreputable persons in Roman society, but will also further illustrate the effect of systemic and ideological changes on tradesmen in the Roman world.

1. Disrepute in Roman Culture

The Roman ideal of *existimatio* helps illustrate how disgrace was defined in Roman culture. In the late second or early third century CE, the jurist Callistratus defined *existimatio* as “the state of unimpaired dignity approved by law and custom.”⁴ The degree to which a citizen’s *existimatio* was diminished was originally indicated with *notae* (marks) that, from the early Republic, were put by the censors next to a person’s name on the census rolls. Livy

² The tablet from Heraclea (*tabula Heracleensis*): *CIL* XII, 593= Michael H. Crawford et al., *Roman Statutes I* (London: University of London, 1996), 366; n.24. The Praetor’s Edict (*edictum perpetuum*) became solidified with only minor alterations from the late Republic; however it was not codified until the jurist Salvius Julianus took this step under Hadrian (c. 130 CE). As George Mousourakis notes: “In the course of time, the praetorian edict became one of the most important factors in the development of Roman private law and provided the basis for a distinct source of law known as the *ius praetorium* or *ius honorarium*” (*The Historical and Institutional Context of Roman Law* [Burlington, VT: Ashgate, 2003], 88). The edict served as a model for other administrators within the empire.

³ *AE* 1971, 88.

⁴ Call. *Dig.* 50.13.5.1: ‘*existimatio est dignitatis inlaesae status, legibus ac moribus comprobatus.*’

expresses the wide-ranging powers of the censorship to govern morality from 443 BCE, noting that: “it was invested with the regulation of the morals and discipline of the Romans.”⁵ The censor calculated civic worth based on the level of morality of a person and used the power of *regimen morum* to maintain the long-held moral standards of Roman society. A debilitating *nota* of *infamia* was invariably attached to certain professionals: prostitutes, gladiators, *lanistae* (gladiatorial trainers), actors, pantomimes, procurers, and certain musicians. This mark carried a severe restriction of rights and barred *infames* from the civic honors to be earned from serving as a municipal counselor. A mark next to the name of a *praeco*, *dissignator*, or *libitinarius* in the late Republic similarly diminished their *existimatio* or *dignitas* politically, and signified their ineligibility for municipal offices while practicing their trade. In Roman law, however, there was a spectrum between *existimatio* and *infamia* that represented shades of disrepute with various disabilities attached to each.

In addition to the legal evidence, literary sources illustrate a spectrum of repute and provide the social origins for Roman conceptions of immorality. Cato the Elder and Cicero both delineated the stratification of degrees of honor among professions. Farmers and elite landowners (e.g., people like Cato and Cicero themselves) were at the dignified center, while those with the least esteem were thieves in Cato’s view, and perfumers and dancers according to Cicero.⁶ As John D’Arms establishes, senators often expressly held traders and commercial men in contempt in their writing, and laws that barred senators from engaging in some large-scale commerce reflect the negative attitude towards commerce among the

⁵ Liv. 4.8.2: ‘...ut morum disciplinaeque Romanae penes eam regimen...’

⁶ Cato, *De Agr.* pref.; Cic. *De Off.* 1.150-1.

senatorial elite.⁷ Commenting on the *plebiscitum Claudianum* of 219-218 BCE, which banned senators and their sons from owning large sea-faring ships, Livy stated that “all types of profit-seeking were viewed as unsuitable for senators.”⁸ Similarly, Polybius noted that, whereas the Carthaginians viewed nothing that turned a profit as ἀίσχρος (disgraceful), “Romans condemn illicit gains with as much vehemence as they applaud honest money-lending.”⁹ During the Republic, the ideal wealth was that derived from land; consequently, the elite often cast tradesmen as players in a sordid business. This elite bias against tradesmen and profit from commerce continued into Late Antiquity, when Constantius emphasized that lower-level merchants, minters, customs agents, or those “who lived on various disgraceful gains” should not enjoy any office.¹⁰

1.1 *Legal marginalization and the defining of disgrace*

Deprivation of honor and the notion of legal disgrace were not foreign concepts in the Mediterranean world. The imposition of ἀτιμία on persons in Athens and in other parts of the Greek world similarly rendered individuals without certain rights. In sixth century Athens, the sentence applied to both foreigners and citizens, and could result in their exile

⁷ John H. D’Arms, *Commerce and Social Standing in Ancient Rome* (Cambridge: Harvard University Press, 1981), 5.

⁸ Liv. 21.63.4: ‘*Quaestus omnis patribus indecorus visus.*’

⁹ Pol. 6.56.3: ‘καθ’ ὅσον γὰρ ἐν καλῷ τίθενται τὸν ἀπὸ τοῦ κρατίστου χρηματισμὸν, κατὰ τοσοῦτο πάλιν ἐν ὀνειδίει ποιοῦνται τὴν ἐκ τῶν ἀπειρημένων πλεονεξίαν.’ cf. Sall. *Cat.* 7.6.

¹⁰ *Cod. Just.* 12.1.6: ‘*Ne quis ex ultimis negotiatoribus vel monetariis abiectisque officiis vel deformis ministerii stationariis omnique officiorum faece diversisque partibus turpibus lucris aliqua frui dignitate pertemptet. Sed et si quis meruerit, repellatur: repulsos autem etiam propriis reddi consortiis oportebit.*’ (357-60 CE).

from Attica.¹¹ Yet, as Douglas MacDowell points out, by the fourth century BCE, ἀτιμία was less grave than in the sixth century.¹² In the fourth century understanding of the status, it applied only to Athenian citizens and served to disenfranchise them rather than to exile persons from the city altogether, revoking the rights of the ἄτιμος to vote, hold office, serve as a juror or priest, or to enter certain places, such as temples or the Agora. The sentence of ἀτιμία compares most closely with the Roman notion of *infamia*, but differs in that it was imposed expressly on criminals and other unlawful individuals, rather than on trades. The Roman stigmatization of professions differed from Greek culture, and, as this dissertation investigates, profoundly affected the lives of certain tradesmen in the Roman world.

In Roman culture, one trade in particular – the funerary trade – was marked by a two-fold stigma: the elite bias against this line of work and the social perception of pollution surrounding the trade in general. Corpses were thought to transmit polluting agents that, in turn, defiled those hired to handle them. Roman law further codified the perception of these workers as outcasts, marginalizing them and their contributions to society. In order to gauge the impact of disgraced status on these professionals, the legal methods for marginalization within Roman society and a definition of disgrace must be established. Three main legal documents provide evidence for the social disabilities that limited these professionals and together formed a cultural template of social and legal stigmatization: the *tabula Heracleensis*, the Praetor's Edict, and the *lex Libitina* from Puteoli.

¹¹ Dem. 9.44. Demosthenes, speaking in the fourth century, notes the existence of an earlier and more severe interpretation of ἀτιμία. This was not the milder form that Athenians in the fourth century were accustomed to, i.e. a simple deprivation of rights rather than exile.

¹² Douglas M. MacDowell, *The Law in Classical Athens* (London: Thames and Hudson, 1978), 73-4; See especially Mogens H. Hansen, *Apagoge, Endeixis and Ephegesis against Kakourgoi, Atimoi and Pheugontes: A study in the Athenian administration of justice in the fourth century B.C.* (Odense: Odense University Press, 1976). Mogens argues that the transition in ἀτιμία began around 500 BCE.

In Chapter Two, I discuss in depth the tablet from Heraclea, which is the earliest testimony we know of to establish the ineligibility of *praecones* (criers), *dissignatores* (directors), and *libitinarii* (undertakers) for municipal office. The tablet points to the promulgation of the *lex Julia municipalis* within other Italian communities. It thus attests that Rome, as the cultural center, established social and legal trends beginning in the Republic that were eventually adopted throughout the empire.¹³ As Brent Shaw notes, the formalization of those outcast in Roman society should be understood as an exchange between Rome and municipal cities, a “dialectic between local communities and an expanding imperial state.”¹⁴ Cicero further demonstrates this legal dissemination in his prosecution of the corrupt governor Verres in 70 BCE, when he cites the fact that the Sicilian towns of Halesa and Agrigentum could request laws from the Roman senate to be used in their municipality.¹⁵ In order to settle internal disputes, Halesa asked Rome’s senate for regulations concerning those who could hold municipal office, and the Roman senate complied. The senate provided guidelines to regulate Halesa’s elections: the age of the candidates could not to be under 30, no tradesmen were to be elected (*‘de quaestu, quem qui fecisset ne legeretur’*), and income qualifications were put in place.¹⁶ Halesa exemplifies the fact that although there was little legal standardization among Roman municipalities in the

¹³ *CIL* XII, 593= Michael H. Crawford et al., *Roman Statutes* I (London: University of London, 1996), 366, n.24.94-6: “Nor is anyone who shall engage in the trade of crier or director or undertaker, while he shall practice any of them, be eligible to stand for, accept, hold, or have the office of duovir or triumvir or any other magistracy in a municipium or colony or prefecture, nor is he to be a senator or decurion or conscriptus there, nor is he to speak his opinion” (*‘...neue quis que<i> praeconium dissignationem libitinamue faciet, dum eorum quid faciet, in muni-/cipio colonia praefectura Iluir(atum) Illuir(atum) aliumue quem mag(istratum) petito neue capito neue gerito neue habeto, / neue ibei senator neue decurio neue conscriptus esto neue sententiam dicito.’*). Cf. *Ibid.*, 24.104-105.

¹⁴ Brent D. Shaw, “Rebels and outsiders,” in *The Cambridge Ancient History: The high empire, A.D. 70-192* XI (Cambridge: Cambridge University Press, 2000), 394.

¹⁵ Cic. *Verr.* 2.2.122.

¹⁶ *Ibid.*

late Republic, there was already a sense that the acceptance of Rome's laws could indicate allegiance and a level of Romanization that may have placed the city within the favor of the Roman senate. This trend increased during the empire: to be a Romanized city was to follow the legal code of the capital, and (as the prosecution of Verres exemplifies) when Roman governors acted within the provinces of the empire, they were expected to uphold the mores and laws maintained within Rome.

The annual Praetor's Edict—called the *edictum perpetuum* within the Roman law codes—was annually broadcast by the praetor to the Roman populace beginning in the early Republic. The edict delineated the types of judicial cases that could be brought before the courts and the persons who were allowed to postulate within them.¹⁷ Ulpian maintained that the intent of the edict was to preserve the integrity of the praetor's court and to limit those with *infamia* from engaging in certain actions within the court.¹⁸ These legal formulae of the praetor were largely based on the edicts of prior praetors and—like the *tabula Heracleensis*—placed judicial disabilities on gladiators, actors, actresses, and prostitutes. Over the course of the Principate, the Edict became increasingly standardized, such that Labeo could write a commentary on the praetor's *edictum perpetuum*. The Edict was widely used in Rome and the provinces as a model to regulate legal actions, although it did not become fixed until under Hadrian. The Praetor's Edict served to define disrepute more clearly within the judicial sphere, but local laws—such as the *lex libitina* from Puteoli—more clearly define the restrictions placed on certain professions.

¹⁷ Ulp. *Dig.* 3.1.1-11. In 67 BCE, Dio reports that although it had always been the habit of the incoming praetors to delineate the cases that could be tried, a law was enacted that required them to publish their guidelines at the beginning of the year. This was so that they could not be changed during the course of the year—an apparently frequent occurrence (Dio 36.40.1-2).

¹⁸ Ulp. *Dig.* 3.1.1.pr: '*hunc titulum praetor proposuit habendae rationis causa suaeque dignitatis tuendae et decoris sui causa, ne sine delectu passim apud se postuletur.*'

The exclusion of *libitinarii* (funeral directors) in the tablet from Heraclea illustrates stigmatization of funeral workers within Roman society; those involved in the business of death suffered numerous social, political, and legal disabilities in the Republican and early imperial periods. An inscription—deemed the *lex Libitina*—dated to the first century BCE exemplifies the social restriction and organization of funeral workers in the Italian city of Puteoli. The law stated that funeral workers must live outside the city, near the grove of Libitina (the goddess of death), and enter the town only at night, when collecting corpses or performing executions.¹⁹ Funeral workers had to visually warn others of their pollution with distinctive caps. Like *praecones*, *dissignatores*, and *libitinarii*, funeral workers were *infamis* only so long as they were engaged in dealing with the dead and profiting from them. The social stigma attached to funeral workers throughout the provinces has therefore been explained by some modern scholars as a result of their profit from death, and this claim is supported by ancient authors. I argue, however, that social constructs of death pollution were also a factor contributing to their disrepute.²⁰

It is tempting to use these legal documents to reconstruct a concrete conception of *infamia* and disrepute throughout the empire, but ambiguities and legal debates over *infamia* among jurists demonstrate that there was uncertainty regarding what constituted *infamia* as opposed to a lesser status of disgrace and that there were inconsistencies in its application. A decision from the jurist Ulpian preserved in the *Digest* concluded that the *dissignator* was not legally *infamis*; however, the mere existence of Ulpian’s decision, based on an initial verdict

¹⁹ AE 1971, 88.II.3-6: ‘...oper(ae) quae ad eam r(em) praeparat(ae) er(unt) ne intra turrem ubi hodie lucus est Libit(inae) habitent laventurve ab h(ora) I / noctis neve veniant in oppid(um) nisi mortui tollend(i) conlocand(i)ve aut supplic(i) sumend(i) c(ausa) dum ita / quis eor(um) veniat quotiens oppid(um) intrab(it) in oppid(o)ve erit ut pilleum color(ium) in capit(e) habea{n}t...’

²⁰ John Bodel, “Dealing with the dead: undertakers, executioners, and potter’s fields in ancient Rome,” in *Death and Disease in the Ancient City*, Valerie Hope and Eireann Marshall, edd. (London and New York: Routledge, 2000), 140-1; Sen. *De Ben.* 6.38.

from the Hadrianic jurist Celsus, indicates that there was at least a degree of popular confusion over whether the profession of *dissignator* was in fact an *infamis* one.²¹ This uncertainty surrounding the *dissignator*, who organized funerals and theatrical events, is likely derived from his professional relationships with funeral workers, actors, actresses, and musicians.

Furthermore, it is often difficult for modern scholars to discern whether literary evidence noting someone as '*infamis*' references their legal status or rather a personal opinion. For example, an epitaph from Ostia states that a woman died "without infamy and without complaint" ('*sine infamia, sine querella*'), but it is unclear whether this citation refers to the legal status of *infamia* or to the broader social idea.²² The concepts of *infamia* and disrepute within the Roman world were never universally agreed upon or evenly enforced within the empire. While the undignified trades of *praeco*, *dissignator*, and *libitinarius* cited in the tablet from Heraclea were not assigned to the lower status reserved for *infames*, they still incurred social and legal disabilities akin to those for infamous persons.

Disrepute must be recognized but cannot always be legally defined. In order to denote the degrees of disgrace evident in the Roman world, I only apply the term *infamis* to those cited in the Praetor's Edict as having suffered *infamia*. Since *praecones*, *dissignatores*, and *libitinarii* are not expressly listed in the Praetor's Edict as *infamis* professions, I will not refer to them as '*infames*' in this study, but rather only as disreputable professionals. The funeral workers investigated within this study who did experience *infamia* are referred to as '*infames*'. In spite of the denotation issues with *infames*, it is clear that each of the

²¹ Ulp. Dig. 3.2.4.1: '*Designatores autem, quos graeci brabeutas appellant, artem ludicram non facere celsus probat, quia ministerium, non artem ludicram exercent. et sane locus iste hodie a principe non pro modico beneficio datur.*'

²² CIL XIV, 963.

professions focused on in this work suffered a socio-legal stigma and that the effect of that stigma was profound.

1.2. *The judicial and economic effect of disrepute in Roman society*

Due to the marginalization of certain professions, many workers accepted an existence outside the civic ideal, in a liminal area of socio-political disgrace. While *praecones*, *dissignatores*, and *libitinarii* incurred a level of prohibitive disgrace in the Roman world less severe than the *infamia* that funeral workers experienced, the men in these disreputable professions all struggled to overcome various stigmas during the late Republic and imperial period. Thomas McGinn has pointed out that legal inequality was typically reinforced by social convention, perpetuating a class-based hierarchy with moral overtones.²³ The effect of disrepute on the judicial and economic rights of an individual is essential to understanding the status and lives of the men who experienced it.

In Roman courts, all men were not created equal. Laws such as the *lex Julia municipalis* reinforced the social hierarchy, and judges perpetuated the social order by considering status within the judicial sphere. The Praetor's Edict granted limited accusatorial rights to those people deemed morally corrupt, prevented them from postulating for others, and discredited them as witnesses. In his handbook *On the Duties of the Proconsul* in the early third century CE, Ulpian advised proconsuls to consider the reputation (*aestimatio*, a synonym for *existimatio*) and status (*dignitas*) of an accuser when making decisions.²⁴ Likewise, Callistratus suggested that all judges establish the status of a witness first to see if

²³ Thomas A.J. McGinn, *Prostitution, Sexuality, and the Law in Ancient Rome* (Oxford: Oxford University Press, 1998), 65-6.

²⁴ Ulp. *Dig.* 48.2.16.

he was competent: “whether his life is honorable and without blame, or whether he has been branded with disgrace and is liable to censure.”²⁵ The declaration of someone as *infamis* and the citation in court that a man’s profession made him either a *persona turpis* (sordid person) or otherwise disgraced were key considerations in judicial decisions.²⁶ Those men whose *existimatio* was tarnished were at a distinct disadvantage to those with full civic status when they stood before judges in Rome and in the provinces. The judicial sphere reinforced the social and moral superiority of the elite and maintained a strict divide between them and the margins of society.

The ban on running for public office may have had little or no impact on the lives of enslaved and impecunious funeral workers. The legal ramifications of *infamia* and disrepute, however, meant that defamed persons had fewer means to acquire capital and had little legal recourse when wronged.²⁷ The *infames* were in fact quite vulnerable. Jurists note that those with *infamia* could not bring *actiones populares*—misdemeanor criminal cases that could be raised by any citizen— in front of a judge and could not serve as a witness, act as an advocate, or serve as a *procurator*—someone who performed business on behalf of another.²⁸ An *infamis* business person may encounter problems he was unable to solve legally: a *leno* (pimp) whose clients skipped out on their tab at the brothel, or a *lanista* (gladiatorial trainer)

²⁵ Call. *Dig.* 22.5.3: ‘...et an honestae et inculpatae vitae an vero notatus quis et reprehensibilis.’

²⁶ Peter Garnsey, *Social Status and Legal Privilege in the Roman Empire* (Oxford: Clarendon, 1970), 231.

²⁷ Paul. *Dig.* 47.23.4. Jane Gardner has concluded that being an *infamis* would have had little impact on the life of most ordinary Roman citizens, but she dismisses these disabilities all too quickly as having little impact (*Being a Roman Citizen*, 154).

²⁸ Paul. *Dig.* 47.23.4; Marc. *Dig.* 1.22.2.pr. It was not until the sixth century CE, that the ban on *infames* representing themselves was repealed by Justinian (*Inst.* 4.13.11) in order to have court proceedings move more swiftly.

who had rented his *familia* (troupe) to a wealthy aedile who would not honor his contract.²⁹ Exceptions to the laws could be made, however, especially if there was direct benefit to the Roman state or local council. The need to have bodies buried quickly by funeral workers, for example, drove the praetor to declare that funeral directors and others who footed the bill for funeral costs could subsequently bring actions against heirs or patrons who refused to pay the bill.³⁰ Despite some allowances, stigmas of disrepute encouraged suspicion and carried political, judicial, and economic implications. *Infames* stripped of legal protection were vulnerable to manipulation and coercion, and they may even have resorted to violence.³¹

Checks on the wealth and freedom of disreputable persons are also evident in the Late Antique juridical codes concerning *turpes personae*, similar to the earlier *infames*. In Late Antiquity, *turpes personae* were disqualified from inheriting property, thus making it more difficult to perpetuate wealth within the family.³² Furthermore, the Republican obsession with reputation and its preservation is similarly evident in Late Antiquity. A law of Gratian and Valentinian II (383 CE) preserved within the Theodosian Code provides an example of the fierce protection of honor and status practiced by Roman elites even in the fourth century: “Nothing is so injurious to the preservation and guarding of the grades of rank as is the ambition for usurpation. For all prerogatives of merit perish if a place of honor that ought to

²⁹ McGinn notes: “A pimp who was a prospective litigant might therefore find it inconvenient to appear before the praetor even in pursuit of a just claim. Any pimp who did dare to make an appearance offered the magistrate an opportunity to demonstrate firmness on the issue of where those without honor stood in court” (*Prostitution, Sexuality, and the law in Ancient Rome* [Oxford: Oxford University Press, 1998], 52).

³⁰ Ulp. *Dig.* 11.7.12.2-3.

³¹ Corporeal vulnerability was also a reality for *infames*. Macer says those with *infamia* who were caught in an act of adultery could be killed without impunity by the woman’s husband as stipulated by Augustus’ *lex Julia de adulteriis* (*Inst.* 48.5.25).

³² *Cod. Just.* 3.28.27; *Cod. Theod.* 2.19.1.pr.; *Ibid.* 2.19.1.

be guarded is usurped rather than maintained...”³³ Roman law often points to this struggle to maintain the hierarchy prescribed by the elite, a struggle that consequentially resulted in the marginalization of many people outside the accepted civic order. The disreputable demimonde of Roman society was not static, however; their *infamia* developed and changed through time, as did their experience of being *infames*. Tracing these changes is of central importance to our greater understanding of *praecones*, *dissignatores*, *libitinarii*, and funeral workers in the Roman world into Late Antiquity.

In this analysis, I use the tablet from Heraclea, the Praetor’s Edict, and the *lex Libitina* from Puteoli to demonstrate that legal methods served to strengthen the elite via exclusion of groups of people outside the boundaries of moral Roman society. Furthermore, the social and then legal marginalization of professionals created a ‘fringe’ society outside the civic order in Rome and elsewhere. The mediators who connected this fringe to the civic world, I argue, themselves incurred a certain level of disrepute. Moreover, key objectives of this dissertation include understanding the associative identities formed by these disreputable professionals, as well as investigating networking and status changes that occurred within the associations from the Republic to Late Antiquity.³⁴ Opportunities for legitimacy and status among these professions did exist, and I illustrate how changes in socio-legal designations of *infamia* and disrepute in general may be seen as indicative of larger changes within the ideals or ideology of the populace.

³³ *Cod. Theod.* 6.5.1: ‘*Nihil est tam iniuriosum in conservandis et custodiendis gradibus dignitatum quam usurpationis ambitio. Perit enim omnis praerogativa meritorum, si absque respectu et contemplatione vel qualitate etiam provectionis emeritae custodiendi honoris locus praesumitur potius quam tenetur...*’ trans. Clyde Pharr, *The Theodosian Code and Novels and Sirmondian Constitutions* (1952; reprint, Union, NJ: Lawbook Exchange, 2001), 127.

³⁴ The cohesion between a *familia gladiatoria* is one example of numerous professions networked together. Epitaphs identifying association with various *familiae* survive (e.g. *CIL* IV, 2476 and *CIL* IV, 7987).

2. The Sources

In this investigation of various disreputable occupations in the Roman world, I draw on a wide range of sources—literary and legal texts, archaeological remains, papyrological evidence, and epigraphic material—in order to establish a more significant and dynamic role for *praecones*, *dissignatores*, *libitinarii*, and funeral workers. While each medium recognizably presents its own contributions, biases, and limitations, it is only through a proper understanding of all the extant material that the influence and significance of these professionals can be understood, and their change over time distinguished. This dissertation aims to compare the textual with the material remains in order to discern both the popular perception and the individual identity of these professionals. Furthermore, I argue that material remains in particular provide contexts within which to understand these texts, as well as a means to evaluate larger shifts and changes within the numerous cultures that constituted the Roman empire.

Though sparse and widely diffused, the textual evidence for criers, *dissignatores*, and funeral workers is an essential resource for establishing the elite view of disreputable professionals. Writers within the late Republic and early empire—particularly Cicero, Horace, Seneca, Martial, and Juvenal—provide evidence that there was a pervasive social stigmatization of these occupations within Roman society, but also indicate that they were often lucrative commercial positions, ones that allowed individuals to gain wealth at the expense of civic honor. Moreover, ancient writers provide evidence for the terms for and function of professionals connected to the auctioneering and funeral trades in Roman society. Seneca, for instance, offers insight into the specialization of labor in the funeral trade, by

delineating the types of persons used in a funeral procession and the role of the *libitinarius* in funeral direction.³⁵ Yet, while texts are integral to reconstructing the role of these disreputable occupations, the use of textual evidence is also problematic.

Roman historical and literary evidence often focuses on political and military events to the exclusion of the more “mundane” parts of Roman society, and conveys an elite bias that privileges landowners over commercial professionals. Moreover, the context and genre within which the text was written can also affect its integrity as a source. For example, was Cicero’s invective against *praecones* in his defense of Quinctius due to the fact that all Roman elite despised these tradesmen, or was it used to defame the plaintiff, who was himself a *praeco*? Moreover, the use of satire to derive social reality—as in Juvenal’s depictions of funeral workers and their relationships with other *infames*—makes interpretations decidedly difficult, and so will be evaluated with care. Finally, the use of early Christian texts is integral to establishing the prevalent ideologies, hierarchies, and interests of early Christian churches, and forms a base for understanding how and why funeral workers in the Late Antique period appear to have gained status and position. While these texts must also be read with caution, they assist in the interpretation of the symbols, frescoes, and inscriptions of the Late Antique funeral workers in the catacombs and elsewhere, and provide a basis, for instance, in understanding the actions of Constantine in his establishment of subsidized burials in Constantinople.

Legal texts provide a second source of evidence for criers and funeral workers within Roman society. Throughout this dissertation, I use legal evidence to determine limitations placed on disreputable occupations, and to track changes in their status from the Republic to

³⁵ Sen. *De Ben.* 6.38.

Late Antiquity. For instance, I show the ways in which the Praetor's Edict, which survives today in the *Digest* of Justinian, limited the capabilities and legal protections of disreputable persons, and I use the *Justinian Code*, the *Theodosian Code*, and the *Novels* of Justinian as a means of delineating the status of apparitorial *praecones* and funeral workers in Late Antiquity. Yet these rescripts, decrees, and legal opinions are valuable in gauging other trends within the later empire: economic fluctuations, the growth of Christianity, the prevalence of violence, and the apparent increase in corruption. The correlation between law and socioeconomic reality must always be kept in mind when using these texts; however, when considered along with the material evidence, the efficacy and extent of these laws can be better judged.

Archaeological remains provide a significant resource in evaluating the topographical context within which these professionals worked—particularly in regard to the funeral trade. An understanding of the archaeological evidence for a sanctuary of Libitina outside the city of Rome provides perspective in evaluating the inscribed laws from the cities of Puteoli and Cumae that form the basis for our understanding of the restrictions and municipal employment of those within the funeral trade. Considered together, this evidence indicates that sanctuaries dedicated to Libitina may have commonly been placed outside the city walls and used to house *scholae*, funeral equipment, and a *ratio* of the city's deceased. Another major archaeological resource is the catacombs within the city of Rome. The walls of the catacombs preserve the frescoes, graffiti, and epitaphs for the *fossore*s that excavated the tufa rock and buried the deceased; an understanding of the placement and expansion of these burial spaces also provides support for the textual evidence concerning early Christian burial. Similarly, I use the archaeological evidence from Beth She'arim in Roman Palestine in order

to reconstruct the mortuary rituals within Jewish society, and as a means to better understand both the Jewish funeral trade and the textual evidence for the burial of the poor in Jewish communities.

Beyond the broad use of archaeological sites, the use of other material remains, such as papyri, serves an important function in establishing the status, capabilities, and associations of various funeral workers active in the diverse cultures encompassed by the Roman empire. I use numerous papyri from Greco-Roman Egypt as a means of illustrating the role of necropolis workers in Roman Egypt. In utilizing this papyrological evidence, I have taken care to consider the debate over the exceptionality of Egypt—that is, whether it was, in fact, so different from the rest of the Roman empire, or whether it is simply because of the exceptional number of documentary evidence we have for the culture that accounts for our viewing Egypt as distinct—in order to first fit the Egyptian necropolis workers into the broader social and economic context of Roman Egypt, and then to compare them to other mortuary workers within the Roman world.³⁶ As Roger Bagnall and William Harris note, Egypt is no longer seen as the exception to every generalization made about the Roman empire.³⁷ Yet, I argue that, in the case of the necropolis workers in Roman Egypt, there was—as illustrated within the papyri—a social and religious position for these persons within Egyptian society that is both analogous to and different from the status of mortuary workers in Rome, Italy, and the Latin West.

³⁶ In establishing how papyri contribute to our knowledge of the Roman world, Roger Bagnall writes, “How representative of the larger Greek and Roman world is the picture provided by the papyri? It has often been difficult to separate this question from the self interest of those answering it, whether by papyrologists arguing in favor of typicality or by historians lacking expertise in the papyri (and, as papyrologists always suspect, adverse to the effort of acquiring it) against typicality” (*Reading Papyri, Writing Ancient History* [London and New York: Routledge, 1995], 9).

³⁷ Bagnall, *Reading Papyri*, 9-10; William V. Harris, “Demography, geography, and the sources of Roman slaves,” *JRS* 89 (1999), 65.

While there is strong evidence that these Egyptian workers were—similar to their Roman counterparts—stigmatized due to their occupation, evident dissimilarities emerged in relevant court cases and testaments of these workers, which indicated more legal redress and protection than in Roman culture, the inclusion of both men and women in the trade, and a stronger religious role for these professionals than in Roman society. While the reasons for the survival of so much documentary evidence for Egypt must certainly be taken into account, I show that the religious differences between Egypt and the Latin West must also be considered as a possible reason for the variations between Roman and Egyptian funeral workers. The necropolis worker papyri support an elevated position for necropolis workers in Egyptian society; however a pivotal limitation of these papyri is that, due to the often judicial nature of the events which were recorded—divorce proceedings, property sales, and lawsuits—they do not convey fully the feelings, identities, and relationships of the Egyptian necropolis workers. Another medium, epigraphy, is thus fundamental to this study due to its ability to provide further perspective on the personal lives of disreputable professionals.

In establishing the experience and degrees of disrepute in the numerous cultures within the Roman empire, epigraphic remains are a vital resource. The fact that Roman and Greeks inscribed laws on bronze and stone that were displayed within cities made it possible for the laws from Puteoli and Cumae to survive, as well as the *tabula Heracleensis*, which provides evidence for those occupations considered disreputable within Roman society. While the epigraphic record is notably strongest in and around the city of Rome, the epigraphic habit was prevalent within both Roman and Greek culture, and provides entrée into the identities, associations, and networks that these professionals were involved in through their commissioned inscriptions. The numerous epitaphs and dedications citing

praecones and *dissignatores* serve not only as a source for comparison with the textual record, but also point to their capabilities within Roman society. Moreover, the appearance of funeral workers in the epigraphic record of Late Antiquity gives voice to these professionals, actively proclaiming a new status.

In regard to the importance of epigraphy in portraying the experience of the non-elite, Fergus Millar stated:

It is epigraphy which provides our most direct access to ancient society and culture, and which shows every sign of being able to add indefinitely to the stock of available texts. It thus represents the best guarantee we have that our understanding of the ancient world need never be static.³⁸

The epigraphic remains of “marginal” individuals are a central focus of this dissertation, and evident changes in the representation of these individuals in the epigraphic record will also be shown to have significance. Whereas the funeral workers of the Republic are almost wholly unknown from epitaphs or dedications, the advent of Christianity brought about a change in status, one proclaimed through epigraphy. The epitaphs of early Christian *decani*, *lecticarii*, and *fossores* thus serve as indicators and affirmation of the change in status of funeral workers as recognized first by early Christian texts, and then by the legal evidence in the *Justinian Code* and the *Novels*.

In 1992, Anthony Snodgrass remarked that students at Cambridge were beginning to actively break down the barriers between history and archaeology, and were, in his mind, “moving sharply away from the ‘guild practices’ of their predecessors.”³⁹ This trend of considering the textual along with the archaeological evidence has continued in the years

³⁸ Fergus Millar, “Epigraphy,” in *Sources for Ancient History*, Michael Crawford, ed. (Cambridge: Cambridge University Press, 1983), 136.

³⁹ Anthony Snodgrass, “Structural history and classical archaeology,” in *The Annales School and Archaeology*, John Bintliff, ed. (New York: New York University Press, 1991), 62.

since scholars such as Moses Finley and Snodgrass began to encourage it, to the point where no ancient historian can now comment upon the cultures and societies of the Roman empire without engaging, to some degree, with the material evidence. While text remains in a privileged position, the usefulness—indeed necessity—of archaeological, papyrological, and epigraphic remains is increasingly embraced. I hope that this methodological imperative will soon extend to studies of early Christianity. I have tried to exemplify the utility of epigraphic and archaeological data as illustrations of the implementation of Christian doctrine, and to give an identity to the Christian non-elite who are not often distinguished within Christian texts.

3. The State of Scholarship

Much has been written on the subjects of *infamia* and voluntary associations individually, but the two subjects have only rarely overlapped. Studies of *infamia* have tended either to focus on the legal delineation of *infamia* to the exclusion of the social reality of disrepute, or to concentrate solely on prostitutes, actors, and musicians. Investigations of voluntary associations, on the other hand, tend to consider the reputable—and civically recognized—trade associations in Roman cities. There has been little inquiry into the associative networks within the auctioneering and funeral trades. Furthermore, explorations into these professions tend to be confined to one time period—either the Republic or the early empire—or to one geographic area—usually Rome. In this work, I have attempted to survey the status and role of these tradesmen more broadly, showing the changes from the Republic to Late Antiquity and investigating the evidence for criers and funeral workers in both the Latin West and the Greek East.

Analyses of *infamia* and disgrace more generally have concentrated largely on the evidence provided by juridical codes. In the late nineteenth century, legal historians analyzed these texts and provided a largely “top down” legal analysis, with little attention given to social reality.⁴⁰ The continued preeminence of Frederich Savigny (1840) and Abel Greenidge (1894) indicates the persistent use of legal analyses of *infamia*. The two scholars differ about the permanence of *infamia*, with Savigny arguing for a permanent stigma and Greenidge claiming more flexibility. Greenidge’s examination was more comprehensive than Savigny’s, but both took a predominantly legal approach with minimal investigation into the societal experience of *infames* and disgraced persons.

Max Kaser (1956) provides the most currently utilized evaluation of *infamia*.⁴¹ While he sees a hierarchy among *infames*, he does not view disreputable persons as having a cohesive, unitary identity. Nevertheless, an example of structure at the margins of society can be seen in the civil disabilities imposed on those who sold their body. These people comprised a legal grouping, and the literary connections between sexual exploitation and *infames* suggest a prevalent social perception of disreputable persons.⁴² *Infamia* among the theater professions has also been explored by other researchers, and it is within these studies that *collegia* of actors, actresses, musicians, and mimes have been considered.⁴³ As certain ‘*infames*’ and sordid professions were often grouped together by literary and legal sources as

⁴⁰ Friedrich Carl von Savigny, *System des heutigen römischen Rechts* 2 (Berlin: Veit, 1840); Abel H.J. Greenidge, *Infamia: Its Place in Roman Public Life and Private Law* (Oxford: Clarendon Press, 1894).

⁴¹ Max Kaser, ‘Infamia und ignominia in den römischen Rechtsquellen,’ *ZSS* 73 (1956), 220-78.

⁴² Catharine Edwards, “Unspeakable Professions: Public performance and prostitution in ancient Rome,” in *Roman Sexualities*, edited by J.P. Mallet and M.B. Skinner (Princeton: Princeton University Press, 1997), 66-98; McGinn, *Prostitution, Sexuality and the Law*.

⁴³ cf. Christophe Hugoniot, Frederic Hurlet, and Silvia Milanezi, *Le statut de l'acteur dans l'Antiquité grecque et romaine*. Maison des Sciences de l'Homme, 'Villes et Territoires' (Tours: Université François-Rabelais, 2004).

a collective group outside a traditional Roman conception of *existimatio*, I argue that this marginalization made them more economically and socially dependent on each other. Those considered *infamis* and those politically handicapped often operated within the same funeral and theatrical spheres, suggesting the possibility of social and occupational alliances. An objective of my work is therefore to describe a social network made up of men with marginalized occupations, incorporating *lanistae*, gladiators, charioteers, arena workers, and other *infames*, with a *praeco* or *dissignator* as the essential nodal point for these associations.

Scholarship on the Roman *collegium* displays a definite focus on the tradesmen and workers held in highest esteem within society; such associations are often the most represented within the epigraphic record due to their civic euergetism and the service of their members on municipal councils.⁴⁴ Extensive research has been done on *collegia* used for the purposes of burial insurance, the wealthy patrons and magistrates of *collegia*, and the lavish feasts that large *collegia* held.⁴⁵ Little work has been done, however, on the social significance and function of associations of people who were not esteemed very highly. These overlooked associations, and specifically the ones with disreputable persons or *infames* as members, still appear to have had a burial function, but were more dynamic and specialized than the burial associations stipulated by Septimius Severus. Roman voluntary associations cannot be characterized by a unidimensional focus—that is, either a religious or a funeral purpose—but should be seen as a multidimensional reaction to the needs of their members. I propose that due to their disgraced status and exclusion from civic magistracies,

⁴⁴ This focus is apparent even recently. See Francesca Diosono, *Collegia: Le associazioni professionali nel mondo romano* (Rome: Quasar, 2007); Francesco Maria de Robertis, *Il Fenomeno Associativo Nel Mondo Romano: Dai collegi della repubblica alle corporazioni del basso impero*, *Studia Historica* 126 (Rome: L'Erma" di Bretschneider, 1981).

⁴⁵ For *collegia* and feasts, see especially: J.F. Donahue, "Toward a typology of Roman public feasting," *AJP* 124.3 (2006), 423-41.

praecones, *dissignatores*, and *libitinarii* were perhaps less epigraphically active, but would have relied more heavily on their associative units to achieve the status and validation they were denied within the civic sphere. The role of the voluntary association went beyond burial insurance or trade guilds; it was an integral part of the social life of many Romans—both the reputable and disreputable.

In recent years, the social aspects of the *collegium* have been a scholarly focus, as has the importance of patronage and ritual to these associations. In his *Roman Social Relations*, Ramsay MacMullen illustrates the turn towards the social sphere in ancient scholarship into which *collegia* factored strongly.⁴⁶ The importance of *collegia* to the lives of workers is well established, as is the importance of the associative patron. Halsey Royden's work on the magistrates of Italian *collegia* indicates the hierarchy within the *collegium* and the importance of euergetism, both of which are similarly evident in associations of disreputable professionals.⁴⁷ A final aspect of the association to be kept in mind is its civic role. In his seminal work on the importance of associations to the urban fabric in the East, Otto van Nijf indicates the necessity of voluntary associations in Eastern cities, but does not recognize the need for associations of funeral workers.⁴⁸ I contend that these workers were essential to the hygiene and functioning of every ancient city. I supplement the current scholarship, indicating the associative contributions to the civic sphere by investigating associations made

⁴⁶ Ramsay MacMullen, *Roman Social Relations, 50 B.C. to A.D. 284* (New Haven: Yale University Press, 1974).

⁴⁷ Halsey L. Royden, *The Magistrates of the Roman Professional Collegia in Italy from the First to the Third Century AD* (Pisa: Giardini editori e stampatori, 1988).

⁴⁸ Onno M. van Nijf, *The Civic World of Professional Associations in the Roman East* (Amsterdam: J.C. Gieben, 1997).

up largely of disreputable persons, and I similarly contend with their social and economic importance within Roman cities.

Arbitrary approach though it is, scholars frequently separate Greek and Latin inscriptions, and van Nijf confines himself to associative inscriptions from the East. Taking a more geographically inclusive approach, I consider evidence from both the Greek East and the Latin West. Prior studies of voluntary associations have been integral to understanding the organizational and functional components of the *collegium* and other Roman associations, and these will form the foundation for my study. However, these works often focus too intensely on the elite—such as magistrates and patrons—or on the elite activities of a *collegium*. I aim to show that an association is best examined as a whole—its members, internal hierarchy, and function—and considered within the economic, social, and political contexts within which it operated. Rather than focusing on an individual association, I envision a larger, dependent network integrated within a city or, in some cases, across provinces. Although I am not suggesting that all *infames* were connected, I depart from the current scholarship on *infamia* by suggesting that the legal disabilities presented by *infamia* and other forms of disrepute were indeed debilitating, and that people subjected to these strictures demonstrate their agency through the creation of a networked society replete with their own associations.

A final theme throughout this dissertation will be perceptions of legitimacy. I will challenge the reader to understand the effect that changes in constructions of morality and ideology had on those considered legitimate within society. The ‘fringe’ was indeed a construction solidified by custom and law. However, I show how changes in ideas of

pollution and disrepute signaled the redrawing of the margins of society and created opportunities for tradesmen—funeral workers in particular—to attain legitimacy.

4. Structure of the Dissertation

First, in an investigation into the *praecones* within Roman society, I reevaluate the reasons for the disrepute attached to them and focus on the epigraphic evidence in order to demonstrate both that auctioneers and criers were central connectors within associative networks, and that they were essential to the dissemination of information within the Roman world. In a survey of the evidence for these criers from the Republic to the fourth century CE, the diversification within the trade is illustrated, and the dichotomy between the private and the apparitorial *praeco* is evaluated. I argue that the employment of *praecones* first within the retinues of magistrates and then within the civil administration instituted by Augustus provided a means of social mobility for men of lower status, furnishing them with an outlet for honor and legitimacy. However, in Late Antiquity, the social status of these apparitorial *praecones* may have been degraded due to their association with the corruption and extortionate practices of the apparitorial *ordines* as a whole.

Second, I examine disreputable professionals in the funeral trade, and focus on the status and role of funeral workers within Italy, Egypt, and Jewish communities. I establish the role of funeral directors—*dissignatores* and *libitinarii*—in the Republican and imperial periods, and indicate both their elevation above lower-level funeral workers and their pivotal role within the mortuary trade. I argue that these *dissignatores* had organizational interactions with funeral and theatrical associations; furthermore, they often emerge in the epigraphic evidence as the directors of larger associations that contracted out workers for

social events. Associative connections evidenced by inscriptions serve to illustrate the previously unrecognized commercial networks at play in Rome and other cities within the empire. The establishment of these networks not only furthers our knowledge of the impact and role of voluntary associations within the Roman world, but also distinguishes the economic activities surrounding burial as a social crossroads: all sectors of society eventually interacted with funeral professionals. Through the funeral directors and workers who carried out these burials, the relatively unexplored sector of mortuary markets within Roman cities is inspected and better explicated.

In regard to the status of these funeral workers, I demonstrate that—unlike the opportunities for status gained by an apparitorial *praeco* within the Republican and imperial periods—funeral workers remained largely marginalized within Roman society until the proliferation of a new religion, Christianity, modified social perceptions of death and burial. Moving away from the well-studied environs of Rome and Italy, I seek to establish the social effect of differing ideologies concerning pollution and the treatment of the dead through two case studies: one using associations of necropolis workers in Egypt outcast from society, and the other investigating the perceptions of pollution and treatment of the dead in Jewish communities. I then transition into the changes in perceptions of pollution and burial obligation in early Christianity in order to show the parallels with Jewish mortuary practices. I demonstrate that Christian ideology had an effect on the status of funeral workers within early Christian congregations.

A final chapter details the changes in status undergone by funeral directors and mortuary professionals in Late Antiquity, and substantiates the ability of the Church to confer legitimacy and honor on persons previously marginalized within the Roman world. The

social elevation of funeral workers within early Christianity was achieved through the assimilation of funeral workers into the clerical orders of the Church and associated organizations. From Constantine's time onward, large numbers of funeral workers gained legitimacy through the state's confirmation of their importance in carrying out burials. They were organized into associations within cities such as Constantinople, Antioch, Alexandria, and Ephesus where they were placed under the direction of the bishop and provided with tax exemptions for their burial services. As the Late Antique funeral workers exemplify, 'disgrace' is a social construct that was not immutable in antiquity, but rather can be used as a mirror to reflect the perceptions and ideals of the cultures that construct them.

Throughout this examination, questions regarding the definition and attainment of legitimacy in the Roman world will be investigated. In a departure from the current scholarship, I argue that there were, in fact, avenues for honor for these disreputable tradesmen. Moreover, I contribute to the fields of Roman law and early Christianity by not only presenting the evidence for legal, systemic, and religious changes, but also indicating how these changes modified social perceptions of disrepute and had a significant impact on the status of certain professionals. This dissertation presents a new lens, through which it is possible to reexamine constructs of pollution and attitudes towards death within the Roman, Egyptian, Jewish, and early Christian cultures, and to better understand the experience of disrepute in the Roman world.

Chapter 2

Quamvis indignus: ***Praecones, Criers, and Social Networking from the Republic to Late Antiquity***

Rogat ut resistas, hospes, te hic tacitus lapis,
dum ostendit quod mandavit quoius umbram tegit.
Pudentis hominis frugi cum magna fide,
praeconis Oli Grani sunt ossa heic sita.
Tantum est. hoc voluit nescius ne esses. Vale.
A(ulus) Granius M(arci) l(ibertus) Stabilio
praeco

This silent stone asks you to stop, stranger,
while it shows to you what the man whose shade it covers entrusted it to reveal.
Here lie the bones of Olus Granius, a *praeco*, a man of
modesty, temperance, and great trustworthiness.
That is all. He desired that you should not be ignorant of this. Farewell!
Aulus Granius Stabilio, freedman of Marcus, a *praeco*, erected this.⁴⁹

A crier even in death, Olus Granius called out to Roman passersby with his tombstone, beseeching viewers through a crafted epigram to listen to the virtues of the freedman *praeco*. The very virtues, however, that Granius wished posterity to remember—modesty, temperance, and trustworthiness—contradict the often disreputable depiction of the *praeco* presented both by literary sources such as Cicero, Juvenal, and Martial and by legal evidence such as the *tabula Heracleensis*.⁵⁰ Given that *praecones* were disgraced

⁴⁹ Appendix I.10; 11.

⁵⁰ For negative depictions of the *praeco* in literary sources, see Cicero (*Pis.* 26.62), Juvenal (1.76), and Martial (5.56; 6.8). *Tabula Heracleensis*: *CIL* I² 593.94-6=Crawford, *Roman Statutes* I, n.24. In terms of the language of the epigram, it is notable that while numerous Roman epitaphs formulaically proclaimed

professionals, the epitaph of Olus Granius can be read as a protest against this perception. The question remains, however, how these two portrayals of the *praeco*—one of virtue and one of disrepute—can be reconciled. Evaluating the status and role of the *praeco* and other criers in Roman society indicates that it is possible to interpret Granius' epitaph as not merely another laudatory epigram, but rather as a rebuttal of the stigma attached to his trade.

Apart from the possible protest within Granius' epitaph, the inscription demonstrates economic and social aspects characteristic of many Roman *praecones* in the late Republic. The size of the stone itself points to a degree of relative affluence, and the text supports both the popularity of the trade among *liberti* (freedmen) and the collegial relationship established between some *praecones*.⁵¹ This relationship is evinced first from the shared nomen gentilicium of Olus and Aulus—indicating that they likely had the same manumitting patron—and second, from Aulus' name at the bottom of the epitaph, a placement which served both to delineate their relationship and to advertise Aulus' pious completion of a burial commitment to his colleague.⁵² The epitaph of Granus, along with other evidence for criers mentioned in inscriptions and within the literary record, are significant as indicators of the reliance on freedmen within the commercial sector of Roman cities, and serve to illustrate a basic social unit of Roman society—the voluntary association. Moreover, an examination of these professionals from the Late Republic to the fourth century CE will establish the

either the *pudentia* or *fides* of the deceased, Granus' inscription employs both. See Richmond Lattimore, *Themes in Greek and Latin Epitaphs* (Urbana: University of Illinois Press, 1942), 295-96.

⁵¹ The exact dimensions of the stone are lacking due to its current placement within the atrium of Rokeby Hall in Northern England. Depictions in the *CIL* point to a large marble plaque broken in three places.

⁵² Although Edward Courtney takes Olus (l.4) to be the same person as Aulus (l.6), an alternate reading is proposed here, namely that we should interpret Aulus as a collegial associate of Olus who has erected this stone upon his friend's death, but—as is common in Latin epitaphs—cited himself as well (*Musa Lapidaria: A selection of Latin verse inscriptions*. American Classical Studies, 36. [Atlanta: Scholars Press, 1995], 236-37; n.18). 'Posuit' or a similar verb of placement is thus implied after *praeco* in the last line of the text.

dependence of commercial and administrative networks on these intermediary professionals, and make it possible to use *praecones* as a lens through which to view social and systemic shifts within Roman society.

1. Introduction

First, I explore the motives for the stigmatization of criers and I consider the status, roles, and impact of the *praeco* within Roman Republican society. In regard to the legal standing of the *praeco*, I reconsider the *tabula Heracleensis* in order to show how the elite fear surrounding commerce and tradesmen—particularly those professionals with numerous popular or collegial connections—motivated the exclusion of *praecones* from municipal office, and may have also been an attempt at solidifying the subservience of apparitorial *praecones*. I show the centrality of criers within Roman economic and social networks as nodal points for auctioneering services and for the contracting of artisans and laborers. Further, I contend that, while criers are often cast in ancient and modern sources as a minor order of tradesmen, they were in fact significant mediators within Roman society between ‘fringe’ groups—actors, actresses, musicians, and funeral workers—and the populace, as well as between the populace and the elite.

Second, I survey the changes in the status and roles of *praecones* in the Roman imperial period. I show that in the early empire there was an increasingly diversified role for the *praeco*, brought about by the increase in administrative positions, which began under Augustus. The dichotomy between the private *praeco* and the apparitorial *praeco* was strengthened following this growth in provincial administration. Municipal and provincial magistrates had employed *apparitores* (assistants) within their retinue since the Republic.

However, Augustus' modifications brought about a systemic change that established larger orders of apparitorial *praecones*, and provided a means for these persons to attain position and legitimacy through the state. As opposed to the elevation of apparitorial *praecones*, private *praecones*, who persisted in their roles as auctioneers and social directors, continued to be stigmatized within the Roman world. While dissimilar in status, both private and apparitorial *praecones* contributed distinctly to the growth of communication networks within the Roman empire.

Third, I extend the scope of the current scholarship on *praecones* into Late Antiquity, demonstrating that the profession continued within numerous state and municipal institutions from the Late Antique period until the later medieval era, during which time there is improved documentation for criers.⁵³ Furthermore, I assess the role of the apparitorial *praecones* in the administrative corruption evident within Late Antique government. Far from taking a narrow view of *praecones* within the economy or among the *apparitores* alone, this study of *praecones* and other criers within the Roman world shows how political changes—such as the growth of imperial institutions—produced a middling class of tradesmen and established avenues for legitimization and status in Roman society.

2. The state of scholarship

In 1989, Nicholas Rauh stated that, “Despite several recent attempts to dispel confusion surrounding the profession of auctioneer (*praeco*) at Rome, problems continue to arise with the study of this topic.”⁵⁴ To Rauh, this is particularly true in regard to the

⁵³ See, for instance Didier Lett and Nicolas Offenstadt, *Haro! Noël! Oyé! : pratiques du cri au Moyen Age* (Paris: Publications de la Sorbonne, 2003).

⁵⁴ Nicholas K. Rauh, “Auctioneers and the Roman economy,” *Historia: Zeitschrift für Alte Geschichte* 38:4 (4th Quarter, 1989), 451. Rauh’s study of *praecones* delineates their effect on the Roman economy and

understanding of the economic and social status of *praecones*. Until recently, analyses have focused predominantly on their citation in the *tabula Heracleensis* and role within the Roman Republic. Others have considered their status within a group of civil officials called the *apparitores*, a retinue of public servants in the service of certain Roman magistrates. Due to Rauh's and Marta García Morcillo's work on the economic impact of *praecones* as auctioneers, a greater understanding of their financial impact has been established; however, the variant statuses and associative relationships formed by *praecones*, as well as their pivotal role as disseminators of information throughout all levels of the empire, persist as themes to be clarified and explored.

Central issues within the scholarship on the late Republican *tabula Heracleensis* have been its date and the exclusion of *praecones*, *dissignatores*, and *libitinarii* from municipal office. I have followed the lead of Michael Crawford and numerous other scholars in accepting that the law is within the time period of Julius Caesar and can be dated to around 45 BCE, likely transmitting the dictator's *lex Julia municipalis*.⁵⁵ Despite the quantity of scholarship on the topic, no modern author has sufficiently addressed why, in 45 BCE, Caesar barred these tradesmen explicitly, rather than excluding all tradesmen en masse, as had been done in earlier municipal laws.⁵⁶ One proposal for the grouping of *praecones*,

the dichotomy between *praecones privati* and *praecones publici*. He successfully refutes Hinard's assertion that no such delineation existed. I support the view that there was indeed a separation between private *praecones* and public *praecones* in the late Republic and within the imperial period. The comprehensive and impressive work of Morcillo has greatly clarified the economic impact of *praecones*. Marta García Morcillo, *Las ventas por Subasta en el mundo romano: la esfera privada*. (Barcelona: University of Barcelona, 2005). See especially: 134-56.

⁵⁵ Crawford, *Roman Statutes* I, 355-91; n.24.

⁵⁶ Cicero notes that the Sicilian cities of Halesa and Agrigentum asked the Roman senate to provide them with guidelines for the makeup of their senates. Along with age restrictions, these statutes barred anyone engaged in trade from being a municipal administrator. Cic. *Verr.* 2.2.122: '...*de quaestu, quem qui fecisset ne legeretur...*' Greenidge (*Infamia*, 12) assumed that all tradesmen were barred from holding office in Rome as well.

dissignatores, and *libitinarii* within the tablet has been their contact with death pollution.⁵⁷

Charles Saumagne viewed the *praecones* cited in the *tabula Heracleensis* as referring only to those criers involved in funerals, an activity also associated with *dissignatores* and *libitinarii*. However, there is no indication within the Latin that the clause was intended to refer specifically to funerary *praecones*. Much like the *dissignatores* responsible for both theatrical games and organizing funerals, the *praecones* performed numerous jobs that included, but were not limited to, announcing funerals. While the *libitinarii* were predominantly active within the funeral sphere, *dissignatores* and *praecones* did not subsist exclusively within it.

Yet another argument for the exclusion of these tradesmen is Jane Gardner's assertion that, while they practiced their trade, *praecones* were barred from municipal office in an attempt to avoid a municipal conflict of interest between contractor and councilor. According to Gardner, these tradesmen often did contracted work for the state and, as such, municipalities did not want a municipal officer passing laws that, for example, he was also then contracted to announce in the forum.⁵⁸ Gardner represents the *praeco*, *dissignator*, and *libitinarius* as innocuous figures who could run for office once they gave up their profession; however, there is only one inscription that indicates a *praeco* held municipal office following his stint as a *praeco*. Either former *praecones*, *dissignatores*, and *libitinarii* hid their previous professions on their epitaphs—indicating a continued level of stigma attached to the occupation—or even former professionals of these disgraced vocations continued to be

⁵⁷ Ethel Hampson Brewster, *Roman Craftsmen and Tradesmen of the Early Empire*. University of Pennsylvania Dissertation (Menasha, Washington; George Banta, 1917), 49-50; Charles Saumagne, *Le droit latin et les cités romaines sous l'empire; essais critiques*. (Paris; Sirey, 1965), 31-6. Saumagne is refuted by François Hinard, 'Remarques sur les praecones et le praeconium dans la Rome de la fin de la République,' *Latomus* 35 (1976), 730-46. See also Elio Lo Cascio, 'Praeconium e dissignatio nella Tabula Heracleensis,' *Helikon* 15-16 (1975-76), 351-71.

⁵⁸ Jane F. Gardner, *Being a Roman Citizen* (London: Routledge, 1993), 130-4; Crawford, *Roman Statutes I*, 384; Bodel, "Dealing with the dead," 139-40.

marginalized to some extent. In response to Gardner, John Bodel rejected the idea of a conflict of interest and proposed yet another solution, namely that their restriction stemmed from the popular perception that “their livelihood came at the cost of another’s loss.”⁵⁹ While this theory is viable based on the literary sources, it is insufficient to explain the specificity of the *tabula*: why were these specific professionals targeted?

A final theory to be considered is the contention that the *praecones* were sordid due to the fact that they sold their voice for gain.⁶⁰ To Jean-Michel David, the disrepute of the *praeco* in the tablet stems from the prostitution of his voice; the *infamia* or *indignitas* was attached to the *ordo* of *praecones* because these were men who sold their vocal talents (though this infamy only arose when these men sought municipal office).⁶¹ While David deftly recognizes the growing income and social mobility of the *praeco* in the late Republic, he does not recognize the reactionary fear of their advancement that developed among the elite. It is this fear of their social mobility, together with the popular perception that these men were easily corruptible, that I propose sparked the clause in the *lex Julia municipalis* and the exclusion of the *praecones*. Ideas of pollution and profiteering established the mistrust of the *praeco* within Roman culture, but these men were not a threat to be particularly dealt with until the late Republic.

Similar to the Roman laws concerning *collegia*, statutes were often a reaction to—and not a preemptive strike upon—disruptive groups.⁶² The *lex Julia municipalis* can perhaps be viewed as an indicator that Julius Caesar viewed these professionals as a threat to the elite, a

⁵⁹ Bodel, “Dealing with the dead,” 140.

⁶⁰ Cic. *Quinct.* 11.

⁶¹ Jean-Michel David, ‘Le prix de la voix: remarques sur la clause d’exclusion des *praecones* de la table d’Héraclée,’ in *Laurea internationalis. Festschrift für Jochen Bleicken zum 75. Geburtstag*, Theodora Hantos, ed. (Stuttgart; Franz Steiner Verlag, 2003), 81-106.

⁶² For example, the *senatus consultum de Bacchanalibus* of 186 BCE.

trend in “preservation” carried on by his successor, Augustus, who would pass marriage legislation in 18 BCE barring those of the senatorial order from marrying *liberti*, actors, actresses and their children, prostitutes, ex-slaves, and procurers.⁶³ Like Julius Caesar, Augustus used a legal prohibition in an endeavor to solidify something that had previously been disapproved of socially, attempting to halt the social ascent of certain disreputable professionals and to protect the senatorial elite.

Besides the *praecones* of the late Republic, there has been lengthy analysis of the status and role of this apparitorial order—the retinue of scribes, lictors, executioners, messengers, and announcers organized into the *decuriae* who served a Roman magistrate—most notably by Mommsen, Cohen, and Purcell.⁶⁴ Epigraphic and legal evidence indicates that *praecones* within the orders of *apparitores* in the service of the empire or the local magistrate were held in higher esteem than those who were privately employed as criers or auctioneers and thus attained a degree of social and political legitimacy through the state. Purcell’s study of the social mobility of *apparitores* is certainly a departure point for my own study in the mechanism of legitimation for disgraced persons. His deft analysis of the role of these civil servants illustrates how a class of persons below that of *eques* but above that of slave was able to achieve an entrée into the world of Roman patronage and achieve social mobility within an extremely hierarchical society. My focus on the *praeco* in particular echoes this sentiment of social mobility, but—unlike Purcell—I track the status of the

⁶³ Paul, *Dig.* 23.2.44; Ulp. *Dig.* 25.7.1; Paul, *Dig.* 25.7.2.

⁶⁴ Theodor Mommsen, *Römisches Staatsrecht I* (Hirzel; Leipzig, 1875), 363-6. Benjamin Cohen, “Some neglected *ordines*: the apparitorial status-groups,” in *Des ordres à Rome*, Claude Nicolet, ed. (Paris; Publications de la Sorbonne, 1984), 23-60; Nicholas Purcell, “The apparitores: a study in social mobility,” *PBSR* 51(1983), 125-73. Also note Arnold H.M. Jones, “The Roman civil service: clerical and sub-clerical grades,” *JRS* 39 (1949), 38-55.

apparitores into the late empire. I present evidence for Late Antique corruption among the *apparitores* that may have changed the social perception of these state officials.

3. Evidence and methodology

In this study, I use material and textual evidence to reconstruct the status, role, and impact of the *praeco* from the Republic to Late Antiquity. This evidence is constituted by literary, archaeological, epigraphic, and legal testimonies.⁶⁵ Admittedly there is a dependence on elite literature when evaluating the perception of *praecones*. However, I focus on the epigraphic evidence supplied by epitaphs and dedications in order to discern the personal identity of these men, and I use the legal evidence to speak to both the disabilities and privileges that some *praecones* incurred during the Roman empire. Terminologically, I focus specifically on the Latin term ‘*praeco*’, an approach that recognizably excludes other professions engaged in activities similar to that of the *praeco* (e.g., *nomenclatores*, *clamatores*, *cursores*). Communities within Italy, North Africa, Gaul, and Hispania utilized the term ‘*praeco*’ to denote an auctioneer or crier, but within the Greek East, I recognize that another name for criers predominated: κήρυξ. As the evidence indicates, criers were ubiquitous urban figures within the Latin West and the Greek East well into the sixth century.

The modern dependence on elite literature to reconstruct the status of middle and lower-level tradesmen is admittedly part of the reason that the *praeco* receives such a tarnished reputation. Advocates such as Cicero and professional literati such as Juvenal and Martial did not consider the *praeco* to be a legitimate orator, and often used the figure of the *praeco* as an archetype to represent the growth of avarice and the abandonment of oratory in

⁶⁵ Cf. *RE* XXII s.v. *Praeco* (Schneider), 1193-99.

Roman society. The double standard for the *praeco* is evident: advocates such as Cicero denounced the *praeco* for making money from his voice, even while these advocates—albeit under the guise of patronage—often sold their voice in exchange for gifts, legacies, and “loans”.⁶⁶ Moreover, the satirist Juvenal bemoaned society’s neglect of writers, saying that a lack of patronage had forced well-known poets to become bathhouse managers, run bakeries, and become *praecones*.⁶⁷ Both Juvenal and Martial used the auctioneer as a representation of greed in order to illustrate the travesty of not patronizing poetry, but they themselves evidently sold their writing for profit.⁶⁸ The elite often looked down on commercial activity within literary works because of the heritage of cultural disdain for trade, but even within these works there is a sense of the vibrant commercial activities within Rome, often with a *praeco* in the position of mediating between patron and populace.

Epigraphic evidence is important not only in illustrating the demographics and achievements of the various types of *praecones*, but also in discerning the associative identity that these professionals established. Unlike the *libitinarii*, for whom we have no epitaphs or dedications, the *praeco* has a rather marked presence within the epigraphic record. In regard to geographic distribution, the inscriptions for *praecones* are predominantly from Rome, although other Italian cities, such as Ostia, Brixia, and Capua appear to have had *praecones*, as did provinces cities. In regard to the social status of the criers, the social makeup of the profession was similar to that of *dissignatores*, in that the epigraphic evidence that has

⁶⁶ Although Republican advocates were not legally allowed to receive remuneration for their services according to the *lex Cincia*, gifts, legacies, and “loans” were often given to advocates as payments. Cicero came under speculation for this practice when he received money from Publius Sulla in the form of a “loan” of two million sesterces, which then helped Cicero to buy his house on the Palatine (Aul. Gell. 12.12).

⁶⁷ Juv. *Sat.* 7.5-10.

⁶⁸ On the theme of insufficient money for poetry, see Juvenal (7.1-12) and Martial (5.56; 6.8).

survived for *praecones* indicates that the profession was popular among the freedman population.⁶⁹ The occurrence of numerous epitaphs citing a '*praeco et dissignator*' will also serve to further connect the two professions collegially. As these epitaphs show, the *praeconium* (the profession of crying) was a trade that not only provided economic opportunities, but also connected the *praeco* to every sector of society through clientele: senators, the slave market, the theatrical sphere, merchants, and funeral professionals.

An examination of the epigraphic evidence indicates that the creation of a voluntary association was an integral part of the identity and business functions of the *praeco*, as it was to other tradesmen within the empire. Examples of the importance of one associative unit, the *collegium*, to the social and economic life of the *praeco* come from Ostia, where one dedicatory inscription for a *praeco vinorum*—a tradesman responsible for auctioning wine—reveals a dedication to the *genius* of the association, and a second inscription indicates that *praecones* were one of the many *collegia* patronized by civic benefactors.⁷⁰ As in all Roman *collegia*, there appears to be both an economic and religious dynamic. Inscriptions further reveal that the *scholae* (clubhouses) that served as the center for collegial life within most voluntary associations were also used for groups of *praecones*. A group of *praecones*, *librarii*, and *scribae* in the service of the curule aediles of Rome had such a *schola* (Fig. 2.1) east of the temple of Saturn within the Roman Forum which—from restoration inscriptions—we know was used from the early empire into the third century.⁷¹ As the inscriptions and frescoes that survive suggest, the *schola* was a rather posh meeting place for these

⁶⁹ For instances of *liberti* as *praecones*, see Appendix I.1; 5; 7; 10; 11 (?); 20; 21.

⁷⁰ Appendix I.26. Also note a civic benefactor who patronized *collegia*—including the *praecones*—in Ostia: *CIL* XIV, 409= *ILS* 6146= *AE* 1999, +407.

⁷¹ This is the so-called *schola Xanthi*, which served as a headquarters for the *librarii*, *scribae*, and *praecones* of the curule aedile in Rome (*CIL* VI, 103= *CIL* V, 30692= *ILS* 1879).

administrators, where members could gather, dine, and discuss other collegial matters. A statue of Victoria with a lavish marble base and bronze chairs adorned the clubhouse, and both the position of the *schola* in the forum and the extravagant decor hint at the position and income of the curule *apparitores*. As auctioneering associations, *praecones* helped to distribute the wares of other *collegia*—e.g., the textile merchants—and also formed a growing administrative order in the late Republic.



Figure 2.1: Fresco of servants from the Schola Praeconum in the Roman Forum (Photo: Katherine Dunbabin, “The waiting servant in later Roman art,” *AJP* 124.3 [2003], Fig.4).

In regard to time period, I continue to disavow the arbitrary divide between the imperial period and Late Antiquity, a partition again observed within scholarship on *praecones*—despite the fact that *praecones* and other criers within Roman society performed much the same functions from the Republic into the Byzantine period. An extension of the current scholarship into the Late Antique period will better allow for a reconstruction of the changes in status and overall impact of these professional criers in Roman antiquity. This assessment will provide a supplement to the current research on these professionals and serve

to situate criers more prominently among the connecting forces within the empire—as important to the spread of information and ideology as the establishment of Roman roads was to connecting the provinces to one another.

4. The role of the *praeco* in the late Republic

Following a suspension of business due to visiting embassies in Rome in 111 BCE, there was an encounter between the *praeco* Quintus Granius and the consul Scipio Nasica in the Forum. Nasica reportedly asked Granius why he looked so glum and whether it was due to the fact that the auctions were suspended. Granius replied that it was rather “due to the ambassadors (going back).”⁷² The witticism derisively cast the visiting ambassadors as the buyers, and Nasica—not Granius—as the auctioneer. The rejoinder exhibits the sharp wit that the crier Granius was known for.⁷³ Another of Granius’ retorts famously chided the notorious tribune Marcus Drusus. When Drusus greeted Granius one day, asking how he was doing, Granius reportedly replied: “I should rather ask, O Drusus, *what* are you doing?”⁷⁴ In addition to his censures of Nasica and Drusus, Cicero reports that Granius made pointed remarks about his friend, Crassus, and about Marcus Antonius. Noted in Cicero as well as in the fragments of Lucilius, Granius is an example of both the oratorical skill and of the influence attained by some Republican *praecones*; a crier who gained prominence in Rome

⁷² Cic. *Planc.* 33: ‘...*immo vero, inquit, quod legationes.*’ For Granius, see *RE* s.v. Granius n.8.

⁷³ *Schol. Bob.* 158.

⁷⁴ *Ibid.*: ‘...*immo vero tu, Druse, quid agis?*’ For the disruptive nature of Drusus, see Vell. *Pat.* 2.13.1.

with his *bellum* ('neat') oratorical style, ran an auctioneering business, and made strong connections with prominent late Republican senators.⁷⁵

In his defense of Gnaeus Plancius, Cicero cited the renowned Granius as a tradesman from a Campanian business family and noted *amicus* of Licinius Crassus and Mucius Scaevola.⁷⁶ Yet in addition to Quintus Granius, there survive numerous examples of prominent *praecones* who attained wealth and social status through the opportunities presented by the *praeconium* in the late Republic. Gallonius, a *praeeco* cited by Lucilius and later mentioned by Cicero and Horace, became a by-word for luxury, and as I illustrate below, the *praeeco* Naevius made a sizeable fortune in auctioneering that allowed him to employ numerous attendants and tradesmen.⁷⁷ Both further indicate the financial successes of some *praecones* in Republican Rome, but central questions remain: how can the ostensible rise of the *praeeco* in the late Republic be explained, and what was the elite reaction to their social mobility?

In an attempt to explain the prominence of numerous *praecones* in the late Republic, Rauh proposes that it was due to the increase in booty sales, construction contracts, and the auctioning of land—all of which represented potentially huge profits for auctioneers—that several *praecones* came to prominence in the late Republic.⁷⁸ Rauh's economic analysis provides a base from which we can begin to recognize not only the economic significance of

⁷⁵ Lucilius notes Granius as a superb orator (411-12M, 1181M), as does Cicero (*Brut.* 160, 172; *De Orat.* 2.253, 2.280-2). Cf. Andrea Perruccio, 'Q. Granius in Lucilio e Cicerone: integrazione culturale di un banditore d'asta?' in *Mediterraneo antico. Economie, società, culture* 5.2 (2002), 677-90.

⁷⁶ Cic. *Planc.* 33. Cf. Rauh, "Auctioneers," 455-60.

⁷⁷ Lucil.1134-5; 1238-49 [Marx]. Lucilius calls Gallonius a '*homo miser*' who squandered his money on seafood dishes for his feasts—an elite dig at his food tastes. Cicero echoes this criticism (*De Fin.* 2.8.24-5) and notes the '*quaestum et sumptum Galloni*' in his defense of Quintus (*Quinct.* 94). Also see, Hor. *Sat.* 2.2.47. See Cynthia Damon, *The Mask of the Parasite: A pathology of Roman patronage* (Ann Arbor: University of Michigan, 2000), 197-98; 203-204.

⁷⁸ Rauh, "Auctioneers," 454.

praecones but also their social role as associative nodal points. In an attempt to illustrate the associative connections of *praecones* and to show the interaction of the *praeco* with “fringe” groups, I focus on the evidence for collegial relationships established by *praecones* in this analysis. This evidence demonstrates that criers were integral mediators within the civic fabric, were social agents in almost every sphere of Roman life, and were men who often acted as intermediaries between ‘fringe’ associations of actors, actresses, musicians, funeral workers, and gladiators, and those within the elite orders. I propose that both the economic and social elevation of *praecones* in the late Republic prompted Julius Caesar to bar their entrance into municipal councils.

4.1 *The functions of the private praeco*

Inscriptions help to illustrate the various roles that the Republican *praeco* played, but can perhaps also provide an alternative to the elite perspective—a view from the crier himself. An inscription from late Republican Rome indicates the religious, social, and economic connections of one prominent *praeco*, Publius Cornelius Surus.

[Publius Cor]nelius Surus, freedman of Publius, *nomenclator*, *magister* of the Capitoline priestly college five times in nine years, magistrate (?) of the *collegium* of tailors(?), *praeco* for the treasury of the three *decuriae*, magistrate of the association of scribes and poets, directed games in the stone theater, and was an attendant to the consuls and censors.⁷⁹

In reading Surus’ epitaph, the many interests and connections established by the freedman are striking. Although he may not have characterized himself as a *praeco* for the entirety of his career, his oral abilities are what gave him his start and perhaps what connected him to priestly colleges, tailors, scribes, and poets: all associations that required the voice of a

⁷⁹ Appendix I.7.

praeco. As Surus exemplifies, the professional crier was an agent in almost every sphere of Roman society: religion, theater, funerals, auctions, and civil administration.

Like Olus and Aulus, the *praecones* examined at the beginning of this chapter, Surus was a freedman and apparently began his career in the humble position of *nomenclator*. This attendant announced the entrance of his patron into the Forum or various other gatherings or could be hired to whisper the names of potential voters to politicians.⁸⁰ This was certainly an entry-level job; however, it helped to establish patronage ties and supplied to the *nomenclator* a personal knowledge of the populace. As Cicero indicates, the elite sometimes viewed the position as deceitful, but it was perhaps successful in gaining Surus entrée into more prominent positions.⁸¹ He subsequently became a herald for the Capitoline games put on by the *Capitolini* priesthood each year, and he extended his commercial ties by sitting on the councils of numerous *collegia*: the association of tailors, as well as the association of scribes and poets. Though he began his career as a name-caller, Surus would gain status in both religious and commercial colleges in Rome.

The religious role of *praecones* is evident in Surus' epitaph, which cites his role as a *magister* of the Capitoline college of priests. This is likely an aggrandizement of his role, since the Capitoline college was a highly elite religious group of men living on the Capitoline who were charged with putting on the Capitoline games every year. Cicero notes that an

⁸⁰ The use of *nomenclatores* was banned by the *lex Fabia* (Plut. *Cat. Min.* 8.2). These men were often—but not always—slaves. Thus, Surus might have served his former *dominus* as a *nomenclator* before becoming a *praeco* as a *libertus*. Inscriptions attest to the position. An inscription in Greek and Latin from Ephesus indicates a *nomenclator* at work there named Publius Cornelius Nikephoros (*IEph.* 1665).

⁸¹ Cic. *Mur.* 77: "Indeed, why is it that you have a *nomenclator* with you? For in so doing, you are playing a trick and a deception. For if it is an honorable thing for your fellow-citizens to be addressed by name by you, it is a shameful thing for them to be better known to your servant than to yourself." (*quid quod habes nomenclatorem? in eo quidem fallis et decipis. nam, si nomine appellari abs te civis tuos honestum est, turpe est eos notiores esse servo tuo quam tibi.*).

eques, Marcus Furius Flaccus, was thrown out of the college in 56 BCE.⁸² I have taken ‘*magister*’ to mean that Surus was perhaps within the priestly college of the Capitolini as a *praeco*, a position that was needed within the games for Romulus performed by this college. In these games, a *praeco* was needed to ritually announce the auctioning of the Sardians.⁸³ More generally, the *praeco* was used by priestly colleges to announce at festivals and public games and to gather collegial members and the rest of the populace together for events. A little explored group of attendants called *calatores* (callers) also seem to have served as criers for the Arval brethren and other priestly colleges. As with the magistrates of the Roman Republic, having a retinue of lictors, criers, and other assistants was a mark of status within Roman society, one that some priests enjoyed as well. Certainly the priest or magistrate enjoyed the position projected by having an entourage of assistants. I contend, however, that the assistants within priestly and magisterial retinues also enjoyed a level of social elevation and legitimacy from their association with these individuals.

Besides gathering priestly colleges and making announcements at religious ceremonies, a *praeco* was often hired by elites to organize and preside over the games they patronized.⁸⁴ This is perhaps the implication of Surus’ mention that he ‘*fecit in theatro lapidio*’. It is unlikely that he funded *ludi* in the “stone theater”, i.e., the Theater of Pompey; rather, it is probable that he is referring to his supervision or organization of games within the theater. Roman games required the involvement and payment of numerous contracted

⁸² Cic. *Quin.* 2.5.2.

⁸³ Rüpke takes Surus as a Capitoline priest, but it is highly unlikely he would have attained this high-status (and likely patrician) position. It is rather probable that he was the crier (κῆρυξ) who cried “Sardians for sale!” within the Capitoline *ludi* referred to by Plutarch (Rüpke, *Fasti Sacerdotum*, 646; Plut. *Rom.* 25; *Quaest.* 53).

⁸⁴ Plautus notes the role of the *praeco* in catching the attention of the crowd, but also in quieting them before a play began (*Asin.* prol.).

musicians, actors, actresses, dancers, and theatrical attendants. It is perhaps in an organizing capacity that the *praeco* also served to “put on” games. This role is evinced in the work of the *praeco* with another professional associated with the theater, the *dissignator*, a professional who oversaw the seating arrangements in the theaters but also helped to organize games and funerals, which helps corroborate the use of associations in order to rent out workers.⁸⁵ Numerous professional inscriptions cite individuals as a *praeco* and a *dissignator* on their epitaphs, and thus indicate a strong association between the two roles in Roman society.⁸⁶ An epitaph commemorating a freedman ‘*praeco et dissignator*’ and his wife from Rome (Fig. 2.2), is further evidence of the connection between the two positions. What then was the relationship of the *praeco* with the acting or athletic troupe?



Figure 2.2: Epitaph from Rome of a late Republican freedman ‘*praeco et dissignator*.’ (Appendix I.1. Museo Nazionale Romano at the Baths of Diocletian [Rm. IV])

⁸⁵ Plaut. *Poen.* 19. *RE V*, s.v. *Dissignatores* (Pollack) 1199-200.

⁸⁶ Appendix I.1; 14; 23.

Christopher W. Marshall contends that the *praeco* was an independent contractor hired from outside the acting and gladiatorial troupes; however, he has no evidence for the *praeco* acting independently from the troupes.⁸⁷ It is possible that the *praeco* was instead the broker who contracted out certain gladiatorial troupes, associations of musicians, and theatrical personnel for use within these *ludi*. This role would account for some criers' reference to being a '*praeco et dissignator*' on their epitaphs, as did Gaius Matienus, a '*praeco idem dissignator*' from Aquinum.⁸⁸ Whether as a broker or as a hired theatrical worker, the *praeco* had close contact with persons considered *infames* in Roman society through their roles in the arena and the theater, and at another social event: the funeral procession.

A major role for the Roman *praeco*, as well as for criers in the Greek world, was within funeral processions. Funerals required much the same personnel as the theater, and their extravagant processions could include gladiators, actors, actresses, and musicians. Criers invited persons to funerals according to a prescribed form; hence these funerals were called *funera indictiva*.⁸⁹ In the same manner that the *praeco* injected a level of order into religious festivals and theatrical competitions, he was used to maintain order and ritual in funerals. Furthermore, since the term *dissignator* additionally denoted a funeral director in Roman society, it is possible that *praecones* served as both theatrical and funeral directors. There were certainly large overlaps in the labor requirements of the two social functions. As the *praeco* perhaps incurred social disrepute from his association with gladiators and

⁸⁷ Christopher W. Marshall, *The Stagecraft and Performance of Roman Comedy* (Cambridge: Cambridge University Press, 2006), 30-1.

⁸⁸ Appendix I.14.

⁸⁹ Festus, s.v. Quirites; Suet. *Iul.* 84. The association of the crier with funerals is evident in epitaphs. Cf. a "speaking" Greek verse inscription from Rome: *IG XIV, 1618=IGRR I, 224=IGUR 122* (Early Imperial).

theatrical persons considered *infamis*, his work within the funeral trade may have also contributed to his marginalization. The perceived pollution surrounding the funeral trade is elaborated upon in my second chapter, but it was certainly a stigmatized trade. The wealthy *praeco* perhaps took advantage of the economic opportunities and overlap of the workforce involved with games and funerals, and so became active in both spheres.

The most lucrative role for *praecones* was that of auctioneer.⁹⁰ Auctions could be held by the state—as when Caesar auctioned the estate of Pompey—or could be held by private persons. With the growth of the Roman economy in the first century BCE, there was certainly a necessity for auctioneers to sell off the increased amounts of goods and property. A stele (likely dating to the late Republic) commemorates a freedman *praeco* from Capua, and depicts what appears to be a slave auction in the bottom (Fig. 2.3), with a naked slave on a dais. Though little is heard of slave traders in antiquity, Cicero notes that in 83, the *praeco* Naevius was to receive slaves brought from Gaul from a slave trader named Lucius Publicius.⁹¹ As Keith Bradley has noted, mentions of slave dealers in antiquity are few, possibly due to the fact that these men were considered to be of “low social esteem”; however, the Capuan stele and the relationship between Naevius and Lucius Publicius provide evidence for the fact that slave auctions were yet another important economic function of the *praeco* in Roman society.⁹²

At auctions, a *praeco* placed a *hasta* (spear) in the ground and announced the appointed time, place, and conditions of sale.⁹³ These *praecones* were literate, reading from a

⁹⁰ Cf. Hor. *Ars Poet.* 419; Cic. *Phil.* 2.26.

⁹¹ Cic. *Pro Quinct.* 24.

⁹² Keith R. Bradley, “On the Roman slave supply and slavebreeding,” in *Classical Slavery*, ed. Moses Finley (London: Frank Cass, 1987), 58.

⁹³ The phrase ‘*hasta posita*’ was commonly used to denote a public auction (Cic. *De Off.* 2.8.27).

lex venditionis or *lex locationis*, in the same manner that public *praecones* read laws passed by the senate or municipal government.⁹⁴ Slaves, land, contracts, war booty, the goods of men who had gone bankrupt or died without proper legal heirs, property of enemies of the state, and slaves were all subject to auction, and thus it was socially perceived that the auctioneer often turned a profit from the misfortune of others. Plutarch notes that Cato the Younger did not trust auctioneers and thus sold his own goods himself.⁹⁵ Criers such as Sextus Naevius, a *praeco* attacked by Cicero in his defense of Publius Quinctius indicate



Figure 2.3: A late Republican (?) stele of a freedman *praeco* from Capua possibly depicting a slave auction (Appendix I.20; Museo Provinciale Campano, inv.70)

⁹⁴ Daniel J. Gargola, *Lands, Laws, and Gods: Magistrates and ceremony in the regulation of public lands in Republican Rome* (Chapel Hill; University of North Carolina Press, 1995), 116-19.

⁹⁵ Plut. *Cat. Min.* 36.2.

that auctioneering was a profitable trade that *praecones* could use as a base to become landowners and more influential persons. Without a good case to prosecute Naevius over confiscating some of Quinctius' land in 81 BCE, Cicero had to resort to attacking Naevius on the basis that he was a profiteer, in essence defaming the *praeco* he was prosecuting rather than properly defending the business actions of his client. While Cicero represents the customary attack on *praecones*, i.e. that they were immoral profiteers, Naevius is perhaps representative of the emerging influence of *praecones* in the commercial world in the first century BCE.

In his defense of Quinctius, Cicero outlines the network of employees and business associates established by a *praeco* named Naevius—who Cicero claimed received slaves from the dealer Lucius Publicius. Cicero claims that Naevius had numerous slaves, *administri* (assistants), and *satellites* (attendants) who carried out his wishes. Later, he mocks the *praeco* for gathering his supporters: “O winged messenger! The agents and satellites of Sextus Naevius come from Rome, across the Alps, among the Sebagnini in two days.”⁹⁶ Besides these assistants, Naevius and Quinctius used the same procurator, a man named Sextus Alfenus, and the *praeco* had other business friends as well: a businessman named Marcus Trebellius and the aforementioned slave trader, Lucius Publicius.⁹⁷ As Naevius exemplifies, businessmen often held the title of *praeco*, but they more closely resemble executive officers in charge of a public relations firm than a lowly street crier. The term *praeco* was broadly applied, similar to calling both the teller at a local bank and a billion-dollar hedge fund manager “bankers”. Furthermore, Naevius supports the epigraphic

⁹⁶ Cicero points to Naevius' use of slaves and the gathering of his *amici* (*Pro Quinct.* 25), and then comments on his network of administrators throughout Italy: ‘*O nuntium volucrem! administri et satellites Sex. Naevi Roma trans Alpibus in Sebagninos biduo veniunt*’ (*Ibid.* 80).

⁹⁷ *Ibid.* 5-6. For more on Naevius, see Rauh, “Auctioneers,” 463-64; Damon, *Mask of the Parasite*, 196-97.

evidence, which points to the fact that—like most profitable businessmen in the Roman world—*praecones* were often banded together in associations in order to offer numerous services.

As previously noted, inscriptions from Ostia record the patronizing of a *collegium* of *praecones*, and the inscription from the *schola Xanthi* in Rome indicate the posh meeting-space of one such crier association. Moreover, the inscription citing the late Republican *praecones* Olus Granus and Aulus Granius points to the fact that the two had the same patron and were perhaps both in an association for *praecones*. It is notable that these two also share the same cognomen as the Campanian auctioneer, Quintus Granius.⁹⁸ Although there is no definitive link between the epitaph of Olus and the literarily celebrated Quintus, it is worth considering the possibility that Quintus Granius ran a corporation of *praecones* with his lower level freedmen, who served as for-hire auctioneers and criers. In regard to the lower-level *praecones* who were a part of these voluntary associations, the *collegium* was a source of economic strength and identity, an organization that perhaps provided these socially stigmatized tradesmen with a personal identity.

As the literary and epigraphic evidence indicates, criers had numerous functions within Roman society in the late Republic. Certainly the diverse and lucrative business ventures of some late Republican *praecones* such as Granius—as landlords, auctioneers, and labor contractors, for instance—are not illustrative of every crier in the Roman world; however, these prominent figures do help to explain the associative networks that the *praeco* was involved with. Furthermore, they serve to explain the elevation of some *praecones* in the late Republic. I have proposed here that criers perhaps used voluntary associations as a

⁹⁸ Cic. *Brut.* 172; Cic. *Planc.* 33.

means of attaining status among their fellow tradesmen, having been excluded from civic offices. I now investigate other opportunities for the *praeco* to attain honor and titles within the Roman world: as an apparitor.

4.2 *The functions of the apparitorial praeco*

Varro relates that when a magistrate wished to call a *contio*, he took the auspices and then ordered a *praeco* to call the citizens.⁹⁹ After receiving the message, the *praeco* would announce it from the temple and walk a circuit around the city walls, proclaiming the time and place of the *contio*. The function of the *praeco* often involved assembling, organizing, and broadcasting information to crowds within Roman cities, whether privately, as a moderator within the theater, the funeral, or the auction, or—as we will now consider—publicly, as an overseer of state events or as a magisterial assistant. While auctioneering became an attractive profession in the late Republic, the role of the *praeco* was not solely within the private realm; the growth of Roman administrative duties and bureaucracy meant that an increasing number of attendants were needed in order to assist Roman judges and magistrates. These retinues of assistants—referred to collectively as *apparitores*, *officiales*, and *cohortales*—often included an *accensus* (attendant), *tabularius* (archivist), *scriba* (scribe), *librarius* (copyist), *lictor*, *viator* (summoner), *arcarius* (treasurer), and a *praeco*.¹⁰⁰

Cohen has pointed out that a decisive feature of the burgeoning administrative apparatus of

⁹⁹ Varro, *Ling. Lat.* 6.86-7. Livy also notes the role of the crier in convening large groups in either the theater or the forum in the Greek world, when describing a sudden gathering of Boeotians. In 196 BCE, after Brachylles had been assassinated by Romans, the people of Boeotia gathered: “At daybreak the next morning the population gathered in the theatre in such numbers as to give the appearance of a formal assembly convened by edict or by the public crier” (*‘Luce prima contio frequens velut ex ante indicto aut voce praeconis convocata in theatro erat.’* [Liv. 33.28.4]).

¹⁰⁰ I employ Pharr’s definition of an apparitor (*Ancient Roman Statutes* [Austin: University of Texas Press, 1961], 258; 261; s.v. apparitor; crier) as judicial and magisterial assistants referenced alternately as *apparitores*, *officiales*, and *cohortales*.

the late Republic was that those within it enjoyed a “privileged status.” The *servi publici* (public slaves) received a status elevated from other slaves in title, name, and dress, as did the *praecones*, compared to the auctioneers who sold goods in the market.¹⁰¹ This administrative legitimacy presents one way that *praecones* perhaps achieved a more prominent status within the Roman world.

Apparitorial *praecones* were essential state employees who were depended upon to maintain civility in court and in all public assemblies, and to relay magisterial messages to lictors.¹⁰² The difference between the private *praeco* and the apparitorial (i.e., public) *praeco* was that while one stood for profit, the other—ideally—represented the state. An administrative function for the *praeco* that dates back to the early Republic was preserving order within the marketplace and during public auctions. Polybius reports that according to the first treaty between Rome and Carthage (509 BCE), either a κῆρυξ—the equivalent to the Roman *praeco*—or an official scribe was required to be present at commercial transactions to oversee purchases and assure equal rights.¹⁰³ This may be a position referred to in an epitaph from Rome erected by Aulus Didius Mnester, a ‘*praeco a foro*.’¹⁰⁴ Both apparitorial and private *praecones* were dependent on markets for their livelihood, utilizing them to proclaim messages, find employment, sell wares for their employers, or advertise events. Markets were therefore nodal points for communication in the Roman world, and *praecones* were active agents within this node.

¹⁰¹ Cohen, “Some neglected ordines,” 30-2.

¹⁰² Liv. 3.47; 26.15. Also see Cic. *Verr.* 5.15.

¹⁰³ Pol. 3.22.8-9: ‘τοῖς δὲ κατ’ ἐμπορίαν παραγινόμενοις μηδὲν ἔστω τέλος πλὴν ἐπὶ κήρυκι ἢ γραμματεῖ. ὅσα δ’ ἂν τούτων παρόντων πραθῆ, δημοσίᾳ πίστει ὀφειλέσθω τῷ ἀποδομένῳ, ὅσα ἂν ἢ ἐν Λιβύῃ ἢ ἐν Σαρδόνι.’ See Robert E.A. Palmer, *Rome and Carthage at Peace* (Stuttgart: Steiner, 1997), 20.

¹⁰⁴ Appendix I.8.

Though criers were used as administrators in public markets since the early Republic, the legal evidence for *praecones* as magisterial assistants does not emerge until the *lex Cornelia de XX quaestoribus* of 81 BCE, which substantially increased the number of Rome's quaestors to twenty and expanded the apparitorial *ordines* that served these quaestors.¹⁰⁵ Sulla's *lex Cornelia* stipulated that each quaestor should be given a retinue of *scribae* (scribes), *viatores* (messengers), and *praecones* to attend them. In addition to the *lex Cornelia*, which is valuable for indicating the expansion of the apparitorial *ordines*, the citation of apparitorial *praecones* in the Republican *lex coloniae Genetivae Iuliae* from Urso (44 BCE) supports the reconstruction of the role of the Republican era apparitorial *praecones* by establishing their presence in the provinces, and informs us that their pay grade was the lowest—just 300 sesterces—among the *apparitores*.¹⁰⁶ As these documents indicate, by the first century BCE, the apparitorial *praecones* were visible—yet underpaid—officials deemed essential to facilitating orderly interaction between the populace and the state. In return for their service, these *praecones* received a civic identity from the state and, at least in Rome, their names were inscribed on a register placed near the temple of Saturn.¹⁰⁷

The apparitorial *praecones* of the late Republic appear to have been socially elevated from private criers; however, there is evidence that some apparitorial *praecones* serving in the first century BCE falsely projected the extent of this status. Amid his discussion of the wearing of rings and clothing to distinguish senators and *equites*, Pliny notes that public

¹⁰⁵ *CIL* I², 587 = *FIRA* I, 10 = Crawford, *Roman Statutes* I, 293-300; n.14.

¹⁰⁶ The *lex coloniae Genetivae Iuliae* of Urso: *CIL* II, 5439 = *ILS* 6087. In comparison, a scribe received 1200 sesterces, each lictor received 600 sesterces, and each messenger 400 sesterces.

¹⁰⁷ Crawford, *Roman Statutes* I, n. 14. 8.2.38-41.

criers had taken to wearing the purple laticlave of senators.¹⁰⁸ This was a bold statement, as evidenced by the fact that following the death of Julius Caesar, sons of equestrians and senators improperly wore the laticlave and the shoes of senators—*calcei*—in order to project their political ambitions.¹⁰⁹ This example from the *Natural History* supports the privileged position of apparitorial *praecones* and indicates that they projected their position in Roman society in that same manner that other elite did: through clothing and jewelry.

This growing entitlement was patent among other *apparitores* as well; Cicero warns his brother Quintus, when leaving for Asia, not to let the lictors rule him, and Plutarch notes that when Cato the Younger took up his quaestorship, he treated his apparitors with less deference: “He thought it best to treat the clerks as assistants, which they really were, sometimes convicting them of their evil practices.”¹¹⁰ As a result, Cato’s assistants revolted (‘ἐκείνω δὲ ἐπολέμουν’) and tried to ingratiate themselves with other quaestors. One was eventually found guilty of malfeasance involving an inheritance and another was found guilty of fraud.¹¹¹ The apparitorial *praecones* stood above the private *praecones* in the civic order, but were notably well below the equestrian and senatorial orders. As Pliny and Plutarch

¹⁰⁸ Plin. *NH*. 33.7.29: ‘*Anuli distinxere alterum ordinem a plebe, ut semel coeperant esse celebres, sicut tunica ab anulis senatum. quamquam et hoc sero, vulgoque purpura latiore tunicae usos invenimus etiam praecones, sicut patrem L. Aelii Stilonis Praeconini ob id cognominati.*’ The *latus clavus* was a stripe specifically reserved for senators.

¹⁰⁹ Cicero claims that a pseudo-senator named Asinius simply changed his shoes in order to become a *pater conscriptus* after the death of Julius Caesar (Cic. *Phil.* 13.13.28: ‘*Est etiam Asinius quidam senator voluntarius, lectus ipse a se. apertam curiam vidit post Caesaris mortem: mutavit calceos; pater conscriptus repente factus est.*’). cf. Jonathan Edmondson, “Public dress and social control in late Republican and early imperial Rome,” in *Roman Dress and the Fabrics of Roman Culture*, edited by Jonathan Edmondson and Alison Keith (Toronto: University of Toronto Press, 2008), 26-8.

¹¹⁰ Cic. *Quint.* 1.1.13: ‘*sit licitor non suae, tuae lenitatis apparitor.*’ Cato the Younger: Plut. *Cat. Min.* 16.3: ‘...ὑπηρέταις, ὅπερ ἦσαν, ἡξίου χρῆσθαι τοῖς γραμματεῦσι, τὰ μὲν...’ The quaestorship was likely in 64 BCE.

¹¹¹ *Ibid.* 3-4.

indicate, however, there was a strong desire among the *apparitores* to project a high level of social position, status, and authority.

Pride in apparitorial positions is certainly evident in the epigraphic evidence; the *praeco* Surus' epitaph proudly announced that he served as an *apparitor* to the *aerarium* (treasury), and in similar fashion, the sons and heirs of Aemilius Publius noted that their father was a *praeco* to a curule aedile in Rome.¹¹² This new status attained by the apparitorial *praeco* came with strings, however: the expectation that these men would promote only the interests of the state. The expectation of apparitorial loyalty to the state rather than to the personal interests of the magistrate is exemplified in the events of 91 BCE. Following Lucius Marcus Philippus' opposition to the tribune Drusus' agrarian measures, Valerius Maximus notes that Drusus ordered his own personal client—rather than one of his apparitorial *viatores*—to arrest the consul.¹¹³ The command was carried out violently by Drusus' client—to the point that Philippus bled from his nostrils—and possibly indicates that Drusus knew that he could not rely on his state-appointed *viator* to carry out the level of violence he wished on a sitting consul.

As Drusus likely recognized, *apparitores* were commissioned to serve the *res publica* over an individual. It is known from Sulla's *lex Cornelia de XX quaestoribus*, instituted just ten years later, that the appointment of *apparitores* was the job of the consul and that these assistants were appointed three years ahead of time.¹¹⁴ Cohen suggests that, in this way, the law tried to halt patron-client relations and attach the *apparitor* to an associative identity (i.e.,

¹¹² Appendix I.2.

¹¹³ Val. Max. 9.5. 2: '...non per viatorem, sed per clientem suum...'

¹¹⁴ Crawford, *Roman Statutes* I, no.14, 8.1.7-15; *Ibid.* 8.2.1-6.

their *decuria*) rather than linking an apparitor to a magisterial patron.¹¹⁵ Yet, in the late Republic it appears increasingly essential for magistrates to have assistants personally connected to them. In December of 48 BCE, Cicero wrote from Brundisium to Atticus to complain that he wished to keep his personal lictors and to note that, while it appeared that Sestius was allowed a special dispensation to keep his own lictors, he was actually given them by Caesar.¹¹⁶ Certainly lictors were important as a visual display of *imperium* and for protection, but *praecones* were valuable for their ability to curry favor for magistrates among the populace and disseminate the messages and viewpoints of a magistrate to them.

As the *lex Cornelia* illustrates, the population and the bureaucracy within late Republican Rome were growing. As a result, “intermediaries” increasingly carried out interactions with this massive populace. In his examination of popular leadership in the late Roman Republic, Paul Vanderbroeck notes the growing import of the apparitorial order as “intermediate leaders” in the first century BCE, and demonstrates the ways in which their increasing influence foreshadowed the position of imperial freedmen and *amici* during the imperial period.¹¹⁷ As it will now be illustrated—predominantly through the examples of Verres and Clodius—late Republican *apparitores* often had strong patronage bonds with the magistrate they served and, at times, they upheld profit and patron over the Republic. I contend that it was perhaps this potential for systemic corruption among the apparitorial *ordines*—along with the increasing affluence of the private *praecones* that was formerly recognized—that Julius Caesar aimed to hinder with his *lex Julia municipalis*.

¹¹⁵ Cohen, “Some neglected ordines,” 39.

¹¹⁶ Cic. *Att.* 11.7.

¹¹⁷ Paul J.J. Vanderbroeck, *Popular Leadership and Collective Behavior in the Late Roman Republic (ca. 80-50 BCE)* (Amsterdam: J.C. Gieben, 1987), 60-61.

5. The legal status of the *praeco*

The *lex Julia municipalis* of 45 BCE, which barred *praecones* from municipal offices, can be perceived as a legal barricade devised in order to halt the new commercial and administrative orders of *praecones* from assimilation into the traditional, agrarian elite. It perhaps also served to keep apparitorial *praecones* loyal to the state while they served and to halt any political ambitions. In regard to the repercussions and impact of the law, it not only served to limit political capabilities but also placed the *praeco* at a legal disadvantage in the courts. As Cicero indicates, the traditional hierarchy within Rome—which had always recognized landholders above tradesmen—had begun to decay in the late Republic, with *praecones* becoming an increasingly affluent group of professionals. As Vanderbroeck has recognized about the period between 80 and 50 BCE, leaders increasingly looked to the populace for support and thus needed “intermediate leaders” of low social status to help in tapping into this power base.¹¹⁸ I extend this model of using low-status professionals in the late Republic in order to indicate that the tarnishing of the *praeco* through the *lex Julia municipalis* was a reactive *lex*. It stunted the political mobility of a class of nouveau-riche tradesmen and assured the continued dominance of an elite group of senators, but it also, in a broader sense, helped to legally define long-held social conventions.

In his prosecution of Verres in 70 BCE, Cicero noted that the Sicilian cities of Halesa and Agrigentum had in fact petitioned the senate at Rome for statutes with which to regulate admission into their own senates.¹¹⁹ This citation was part of Cicero’s catalog of the numerous municipal statutes and social *mores* transgressed by Verres in his role as governor

¹¹⁸ Vanderbroeck, *Popular Leadership*, 65.

¹¹⁹ Along with age restrictions, these statutes barred anyone engaged in trade from being a municipal administrator. Cic. *Verr.* 2.2.122: ‘...de quaestu, quem qui fecisset ne legeretur...’

of Sicily. Cicero accused him of egregiously breaking the Roman laws handed down to the Sicilians by taking bribes from disqualified persons who desired a seat within the municipal senates of Sicilian cities without regarding their age or their profession.

Whoever wished to be made a senator, although he was a boy, although he was unworthy (*quamvis indignus*), although he was of a place from which it was not lawful to take senators; if that man paid money enough to appear in his eyes a fit man to gain his object, then it was always done.¹²⁰

Cicero notes that despite the laws outlawing tradesmen, Verres even took bribes from an aspiring *praeco*: “But from him even a crier who was desirous of it, bought that rank for a sum of money.”¹²¹ Besides his disrespect for *leges* regarding town councils, Verres also outsourced his judicial duties to disreputable persons. Cicero claims that the rights of Sicilian and Roman citizens had been broken by Verres in that he allowed *praecones*, soothsayers, and even a physician—i.e., his apparitorial staff—to serve as judges in cases.¹²²

To Cicero, Verres’ negation of both Roman and Sicilian laws regulating the makeup of municipal senates and court cases were not actions befitting a Roman governor, a man who was expected to employ Roman social and legal precedents in his governance of a province. This episode is integral to reconstructing the status and disabilities of the Republican *praeco* both in Rome and in the provinces, and indicates the great effect that Roman social tradition and law had on the provinces from the Republican period onwards. Ideas of disgrace often emanated from the center—i.e., Rome—but were strongly upheld within Italy and many

¹²⁰ Cic. *Verr.* 2.2.121: ‘*quicumque senator voluerit fieri, quamvis puer, quamvis indignus, quamvis ex eo loco ex quo non liceret, si is pretio apud istum [idoneus] vinceret, factum esse semper.*’

¹²¹ Cic. *Verr.* 2.2.122: ‘*ab isto et praeco, qui voluit, illum ordinem pretio mercatus est...*’

¹²² Cic. *Verr.* 2.2.32-3: ‘*verum ut totum genus amplectamini iudiciorum, prius iura Siculorum, deinde istius instituta cognoscite. haec omnia isto praetore non modo perturbata, sed plane et Siculis et civibus Romanis erepta sunt. primum suae leges: quod civis cum civi ageret, aut eum iudicem quem commodum erat,—praeconem, haruspicem, medicum suum,—dabat, aut si legibus erat iudicium constitutum et ad civem suum iudicem venerant, libere civi iudicare non licebat.*’ These actions apparently broke the guidelines set out by the *lex Rupilia* of 132 BCE.

other Romanized municipalities in the empire that looked to the center as a socio-legal model for their own cities.

In Cicero's view, Gaius Verres did not do his part to maintain the prescribed dignity of Sicilian councils when he allowed a *praeco* within the senatorial *ordines*; furthermore, his actions destabilized the social and legal order that Roman society was predicated upon. While social reinforcement of legal disgrace was indeed stronger in certain areas than others (e.g., the Greek East certainly felt differently towards actors and musicians than Romans did), the use of model provincial charters—such as the *lex Pompeia* from Pontus Bithynia—was a common gubernatorial practice. Governors often reduplicated the previous *lex provinciae*, and provincial attempts to 'Romanize' meant that laws regarding the makeup of municipal councils were often similar. I argue that these events meant that *praecones*, *dissignatores*, and *libitinarii* remained stifled in their political ambitions throughout much of the Roman empire.

While Cicero is distinctly elitist in his oratorical works, his letters are valuable in reconstructing the reasons for legislation enacted by Julius Caesar and the reaction to it. A letter of Cicero's from January of 45 BCE written to his friend Quintus Lepta indicates earnest confusion over the new law passed by Julius Caesar that barred practicing *praecones* from holding municipal office.

As soon as I received the letter from your servant, Seleucus, immediately I sent a note to Balbus asking him what the provision of the law was. He answered that *praecones* active in the business were excluded from being municipal councilors, not retired [*praecones*].¹²³

¹²³ Cic. *Ad Fam.* 6.18.1: 'Simul atque accepi a Seleuco tuo litteras, statim quaesivi e Balbo per codicillos quid esset in lege. rescripsit eos, qui facerent praeconium, vetari esse in decurionibus; qui fecissent, non vetari.'

This letter provides literary backing for the existence of the *lex Julia municipalis* and indicates that the exclusion of practicing *praecones* within the senatorial order was a new development. Despite Cicero's often-derogatory remarks on the *praeco* within his oratorical works, he appears familiar with numerous prominent *praecones* and genuinely concerned that former *praecones* may also be excluded from the senate—perhaps revealing that he counted some former *praecones* as friends or clients. Writers such as Horace, whose father was a freedman *coactor* (money-collector) and who remarked that he himself might have become a *praeco*, are closer to a literary voice for one of these *praecones* and indicative of the social—though not political—prominence of these men in the late Republic.¹²⁴ Elite biases presented by writers such as Cicero are not necessarily reflective of the views of the lower orders of society, a prejudice that is certainly important to consider when evaluating the status of the *praeco* in Roman society.

In establishing the reasons for Caesar's apparent apprehension regarding these tradesmen in particular, it is important to reiterate the broad social connections maintained by the *praeco*. During the elections for 142 BCE, when Appius Claudius Pulcher saw Scipio Aemilianus walking to the forum attended by a freedman κήρυξ named Aemilius and a *publicanus*, Licinius Philonicus, Appius reportedly remarked: "O Paulus Aemilius, groan beneath the earth when you learn that your son is escorted to the censorship by Aemilius, a *praeco*, and Licinius Philonicus."¹²⁵ Appius and Aemilianus were campaigning for the censorship, and while Appius was highly thought of by the elite, Aemilianus was often

¹²⁴ Hor. *Sat.* 1.6.85-86. Horace (writing at the end of the Republic, ca. 35 BCE) indicates the limitations upon freedmen and the disrepute for *liberti* and their sons among the elite. He notes that his father was not from a reputable family, nor did he attain office, but he was still a respectable tradesman.

¹²⁵ Plut. *Aem.* 38.4: ὦ Παῦλε, εἶπεν, Αἰμίλιε, στέναξον ὑπὸ γῆς αἰσθόμενος ὅτι σου τὸν υἱὸν Αἰμίλιος ὁ κήρυξ καὶ Λικίνιος Φιλόνεικος ἐπὶ τιμητείαν κατάγουσιν. Licinius is named as a *publicanus* elsewhere (*Mor.* 810B). cf. Vanderbroeck, *Popular Leadership*, 53.

faulted for his courting of the popular vote. Plutarch notes the political worth of Aemilius the crier and Philonicus the *publicanus*, who, while freedmen of low birth, were, “frequenter of the forum and able to gather a mob and force all issues by means of canvassing and shouting.”¹²⁶ The influence of private criers, such as Aemilius and Granius, the liberties taken by certain apparitorial *praecones*, and the actions of Clodius and Verres may have prompted Caesar’s clear definition of the political boundaries.

Clodius, who used both *apparitores* and a *dissignator* to further his political goals, was perhaps the archetype for the dangers of popular leadership. We know of a freedman apparitor (it is unknown what kind) named Damio used by Clodius and a *dissignator* named Decimus.¹²⁷ These public figures were men connected to the numerous *collegia* used by Clodius, and were integral to tapping into the popular base that he wished to activate. In 57 BCE, Cicero sarcastically addressed Clodius’ use of freedmen and slaves to gain support for his *lex de collegiis*, which allowed the formation of new *collegia* in the city, and the next year, in the *Pro Sestio*, Cicero again noted Clodius’ recruitment of slaves:

In the presence and sight of these same consuls, a levy of slaves was held before the tribunal of Aurelius, ostensibly to fill up the *conlegia*, when men were enrolled according to their neighborhoods, and divided into *decuriae*, and stirred up to violence, and battle, and slaughter, and plunder.¹²⁸

Although who was doing this recruiting must remain a matter for speculation, the *tribunal Aurelium* was a permanent platform in the forum likely used for giving speeches or perhaps auctioning. It is likely that Clodius employed a *praeco* to speak to these slaves in the forum

¹²⁶ Plut. *Aem.* 38.3: ‘...ἀγοραίους δὲ καὶ δυναμένους ὄχλον συναγαγεῖν καὶ σπουδαρχία καὶ κραυγῆ πάντα πράγματα βιάσασθαι...’

¹²⁷ Damio: Asc. 47C; Decimus: Cic. *Att.* 4.3.2. There is further discussion of Decimus in Chapter Two.

¹²⁸ Cic. *De Domo Sua*, 54; *Pro Sest.* 34: ‘*Isdemque consulibus inspectantibus servorum dilectus habebatur pro tribunali Aurelio nomine conlegiorum, cum vicatim homines conscriberentur, decuriarentur, ad vim, ad manus, ad caedem, ad direptionem incitarentur.*’ John Bert Lott, *The Neighborhoods of Augustan Rome* (Cambridge: Cambridge University Press, 2004), 58-9.

and to gather freedmen, slaves, and *collegia* from Rome's neighborhoods—a common use for criers. As would be the case with Verres, these intermediary tradesmen were essential to Clodius' objectives.

If Clodius was the model for how to curry popular support for his political agenda, then Verres was the paradigm for using these intermediaries in order to fleece the populace. As with Clodius, the abuse of clientela by Verres in Sicily indicates the potential use of *apparitores*, and specifically *praecones*, as the corrosive 'hands' that did the bidding of the corrupt patron:

Those chosen companions of yours were your hands: the prefects, the secretaries, the surgeons, the attendants, the soothsayers, the criers were your hands. The more each individual was connected with you by any relationship, or affinity, or intimacy, the more he was considered one of your hands. The whole of that retinue of yours, which caused more evil to Sicily than a hundred troops of fugitive slaves would have caused, was beyond all question your hand.¹²⁹

Fearing their rising social position and their use by patrons such as Verres, Julius Caesar may have specifically sought to limit the role of these professionals within the municipal government via legal means, preempting the use and abuse of popular support.

The popular figure of Clodius, who employed bands of *apparitores*, gladiatorial troupes, funeral professionals, and other *collegia*, and, to an extent, the example of Verres, were enough, I would argue, to inspire fear in the hearts of successive politicians attempting to keep popular leaders in the mold of Clodius from rising again and to limit cronyism among the *apparitores*. Julius Caesar took swift action to limit the voluntary associations to only the

¹²⁹ Cic. *Verr.* 2.2.27: '*Comites illi tui delecti manus erant tuae; praefecti, scribae, accensi, medici, haruspices, praecones manus erant tuae; ut quisque te maxime cognatione adfinitate necessitudine aliqua attingebat, ita maxime manus tua putabatur; cohors tota illa, quae plus mali Siciliae dedit quam si centum cohortes fugitivorum fuissent, tua manus sine controversia fuit.*'

oldest within Rome through a *lex Julia* known from Suetonius.¹³⁰ Julius Caesar's actions, similar to the bans on *collegia* taken after the Bacchanalia in 186 BCE and again in 64 BCE, constituted an attempt to protect the *res publica* from rabble-rousers and those who used *collegia* as personal gangs. As we have seen, these men often did the bidding of their patrons. Associations of *praecones*, I argue, were an essential part of gathering crowds.¹³¹ While Suetonius is vague on exactly which *collegia* were considered old enough to survive, the *lex Julia municipalis*, seen within the context of Julius Caesar's other reforms, can be viewed as part of Caesar's social programme; one that galvanized the local elite and limited the mobility of certain professions that could bring trouble to the state. The law helped to curb the potential to gather sordid voluntary associations—theatrical, gladiatorial, and funeral associations, for instance—that these professionals were often intimately acquainted with as organizers and announcers at games and funerals. The law served to uphold the landholding elite as the ruling class. It certainly stunted criers' political *ambitio*, but was further advantageous to the elite in maintaining their superiority in the law courts.

The broader effect of diminishing one's status in Roman society was the impact it had on one's legal standing. The lower status of practicing *praecones* made these professionals vulnerable in court—where status played a part in litigation—and decreased their efficacy as witnesses. As Garnsey has shown, honor and *dignitas* were required for legal privilege, and those with higher status were at a distinct advantage in court.¹³² Both witnesses and potential

¹³⁰ Suet. *Div. Jul.* 42.3: '*Cuncta collegia praeter antiquitus constituta distraxit.*' For the legal limits placed on voluntary associations, see Wendy Cotter, "The collegia and Roman law," in *Voluntary Associations in the Graeco-Roman World*, edited by John S. Kloppenborg and Stephen G. Wilson (London and New York; Routledge, 1996), 74-89.

¹³¹ For the frequent gathering of persons for *contiones* by Clodius, see Cic. *Sest.* 42.

¹³² Garnsey, *Social Status and Legal Privilege*, 234; 258.

accusers were evaluated according to their *mores*, and Ulpian notes that when accusers came before the court, they were assessed by their *dignitas* as well.

Where several persons appear who desire to accuse the same man of a crime, the judge should select one of them to bring the accusation; that is to say, after proper cause has been shown by investigating the character, rank, interest, age, morals, or any other proper attributes of the accusers.¹³³

In the Roman legal system, status had an impact on the perception of the judge and the capabilities of the accuser. As such, the diminution in status of the *praeco* had an effect on his capacity to attain honor through municipal offices, but it also had an effect on his standing as a businessman in court: if the *praeco* wished to sue a man of higher rank for unpaid auction fees or was himself brought to court, e.g., for breach of contract, he now stood at a distinct disadvantage to those with more *dignitas*. The *lex Julia municipalis* therefore had broader repercussions than simply barring certain professions from holding offices; it prescribed a hierarchy referred to not only by town councils, but also by judges.

As I have argued, the stigmatization of the *praeco* was initially a social development within early Republican Rome; however, the increased integration and affluence of many *praecones* in late Republican society and the growth in influence of the apparitorial orders perhaps compelled Julius Caesar to marginalize these professionals via legal constraints. The disrepute of the *praeco* was a stigma that, as I will now explore, persisted socially into the imperial period, predominantly in regard to private *praecones*. While both apparitorial and private criers were barred from holding municipal offices while serving as *praeco*, the literary evidence focuses largely on the sordid nature of private *praecones*. This supports the development of a widening social gulf in the imperial period between the apparitorial and

¹³³ Ulp. *Dig.* 48.2.16: ‘*Si plures existant, qui eum in publicis iudiciis accusare volunt, iudex eligere debet eum qui accuset, causa scilicet cognita aestimatis accusatorum personis vel de dignitate, vel ex eo quod interest, vel aetate vel moribus vel alia iusta de causa.*’

private criers. The reasons for this gap and its impact will be shown to illustrate many of the systemic changes that took place within the Principate.

6. The status and roles of private *praecones* in the imperial period

Caesar's law marks the beginning of a trend in legislation aimed at ordering and controlling an expanding society that would be continued by Augustus.¹³⁴ As Purcell notes, in defining the status and role of all types of associations, professionals, and persons within the empire, Augustus sought to stunt social mobility and hoped to "stabilize the state."¹³⁵ The impact of the *lex Julia municipalis* on the legal and social status of the *praeeco* within Rome and other parts of the empire outside of Italy continued into the imperial period. The status of the late Republican *praeeco* in Rome and Italy was a precedent that—much like the praetor's edict that provided a model for disrepute to the provinces—marginalized *praecones* outside the curial *ordo* of Roman municipalities within the empire. Although direct evidence for the prorogation of Caesar's municipal law is lacking, there is also no evidence for its repeal. Furthermore, writers such as Juvenal, Apuleius, and Dio Chrysostom point to the fact that the social perception of the trade during the empire was similarly negative. Within Rome and other provincial cities, the private *praeeco* continued to be associated with infamous persons and his profession to be viewed sordid.

Just as Sulla had stunted desire for the tribunate by making it a dead end position outside the *cursus honorum*, perhaps Caesar wished to lure politically ambitious men away from the private practice of certain trades and to leave these largely to *liberti* barred from

¹³⁴ Greg Woolf, "Monumental writing and the expansion of Roman society in the Early Empire," *JRS* 86 (1996), 22-39.

¹³⁵ Purcell, "Apparitores," 132.

holding municipal office anyway.¹³⁶ This is one explanation for the proliferation of *liberti* among the *praecones* who survive within the epigraphic record. *Liberti*, however, admittedly proliferated among all types of trade and, as a class, tended to adopt a strong epigraphic habit as a means to announce their newly attained status within Roman society.¹³⁷ Along with auctioneering, *praecones* and other criers within the Roman imperial world continued to provide a range of other services. In Petronius, *praecones* are seen at work finding lost persons, and papyri indicate that in Roman Egypt there were offices of criers at which one could register a lost person, called the κηρυκίνη.¹³⁸ Furthermore, third century ostraka from Tebtynis in the Egyptian Fayum preserve the receipts of κήρυκες transporting wheat by donkey.¹³⁹ Criers continued to be used to gather persons for civic festivals and *ludi* and to engage with theatrical and funeral associations as they had in the Republic.¹⁴⁰ While the law may have stunted some political ambitions, it did not curb the *praeconium* as a profession. There was still profit to be made in the trade, and it is perhaps due to this profiteering that the social disrepute persisted.

It is the private *praecones*, often used as auctioneers, who receive the most indignation in the literary tradition. In Juvenal's *Satires*, the poet illustrates the social elevation of auctioneers as contractors and the association of the *praeco* with men who were

¹³⁶ Appian notes: “[Sulla] virtually abolished the tribunate of the people, debilitating it and barring a tribune by law from holding any office afterward. For this reason, those who laid claim to family or reputation avoided the office in the future” (τὴν δὲ τῶν δημάρχων ἀρχὴν ἴσα καὶ ἀνεῖλεν, ἀσθενεστάτην ἀποφήνας καὶ νόμῳ κωλύσας μηδεμίαν ἄλλην τὸν δήμαρχον ἀρχὴν ἔτι ἄρχειν: διὸ καὶ πάντες οἱ δόξης ἢ γένους ἀντιποιοῦμενοι τὴν ἀρχὴν ἐς τὸ μέλλον ἐξετρέποντο.) (*BC*, 1.11.100).

¹³⁷ Sandra Joshel, *Work, Identity, and Legal Status: A study of the occupational inscriptions* (Norman: University of Oklahoma Press, 1992), 78-82.

¹³⁸ Petr. *Sat.* 57; *P.Heid.* IV, 334.

¹³⁹ *O.Berl.* 81-82; 85-94. 253-259 CE.

¹⁴⁰ Dio Chrys. *Or.* 52.7.

considered to be *infamis* within Roman law. After noting the sordidness of contractors who bid to build temples and harbors, to drain flood plains, and to carry corpses, Juvenal remarked:

These men once were horn-blowers, who went the round of every provincial show, and whose puffed-out cheeks were known in every village; to-day they hold shows of their own, and win applause by killing whoever the mob with a turn of the thumb bids them kill; from that they go back to contract for cesspools...¹⁴¹

Yet these former “horn-blowers” continued to become wealthy tradesmen in the imperial period. Auction receipts from Pompeii illustrate that Lucius Caecilius Iucundus ran a lucrative auctioneering business within the city under Nero, and support the view that there was still profit in the auctioneering trade in the early empire.¹⁴² The sum due to him for one auction—38,079 sesterces—is over forty times more than the basic soldier made in one year in the early empire. As Iucundus demonstrates, there was money to be made as a *praeco*, and as both Horace and Juvenal imply, this money elevated the families of these *praecones* and allowed for their entrance into the equestrian and senatorial ranks—even if their freedmen fathers were barred.

While we know of only one *praeco* who reached equestrian status in the imperial period (a former apparitorial *praeco*), the sons of these tradesmen and many other freedmen began to fill the equestrian classes even in the Republic, much in the way Horace—the son of a freedman *coactor* (money collector)—ascended within Roman society to become a military

¹⁴¹ Juv. Sat. 3.34-7: ‘*quondam hi cornicines et municipalis harenae/ perpetui comites notaeque per oppida buccae/ munera nunc edunt et, verso pollice vulgus/ quem iubet, occidunt populariter...*’

¹⁴² No inscription specifically cites Caecilius Iucundus as a *praeco*; however, the receipts certainly indicate that he ran and profited from auctions in Pompeii.

tribune.¹⁴³ Tacitus noted that in 56 CE, during a discussion about the misconduct of freedmen in the senate, it was decided that freedmen could not be penalized en masse, simply because the ‘*corpus*’ was so widely diffused and essential to filling lower-level state offices.

From this (freedman body), the city tribes, the various public functionaries, the establishments of the magistrates and priests were for the most part supplied, as well as the cohorts of the city-guard; very many too of the equestrians and several of the senators derived their origin from no other source.¹⁴⁴

The senators then note that if freedmen were separated out, the *penuria* (paucity) of the freeborn class would be apparent.¹⁴⁵ Whereas active *praecones* may have been barred from civic participation, the sons and grandsons of these wealthy tradesmen had a role within the municipality.

Juvenal expresses discontent over the sons of disreputable tradesmen permeating the elite orders. A worker in the theater (likely a *dissignator*) seated equestrians who were the sons of sordid professionals:

Here let the sons of panders, born in any brothel, take their seats; here let the son of a spruce auctioneer clap his hands, with the smart sons of a gladiator on one side of him and the young gentlemen of a trainer on the other: such was the will of the numbskull Otho who assigned to each of us his place.¹⁴⁶

Juvenal is satirizing the social elevation of certain tradesmen in Rome and uses the placement of sons of *infamis* persons seated within the theater as a visual representation of this moral

¹⁴³ The Republican grammarian Lucius Aelius Praeconinus was the son of a *praeco* (Suet. *Gram.* 3) and the consul Lucius Piso was the grandson of one (Cic. *Pis.* 62). Hor. *Sat.* 1.6.86. ‘*si praeco parvas aut, ut fuit ipse, coactor...*’ Morcillo notes: ‘La recepción literaria del oficio del *praeco* representa en gran medida un reflejo de la evolución general de la sociedad romana desde el último siglo de la República, caracterizada en parte por el auge y el ascenso de determinadas económicas y sectores sociales, especialmente en el caso de libertos y descendientes de ellos’ (*Las ventas*, 153).

¹⁴⁴ Tac. *Ann.* 13.27: ‘*hinc plerumque tribus decurias, ministeria magistratibus et sacerdotibus, cohortis etiam in urbe conscriptas; et plurimis equitum, plerisque senatoribus non aliunde originem trahi.*’

¹⁴⁵ *Ibid.* ‘*si separarentur libertini, manifestam fore penuriam ingenuorum.*’

¹⁴⁶ Juv. *Sat.* 3.155-9: ‘*et sedeant hic / lenonum pueri quocumque ex fornice nati; / hic plaudat nitidi praeconis filius inter / pinnirapi cultos iuvenes iuvenesque lanistae’; / sic libitum vano, qui nos distinxit, Othoni.*’ The *lex Roscia* of the tribune Roscius Otho (67 BCE) reserved rows for equestrians in the theater.

erosion. Indeed this literary passage alone does not prove that *praecones* themselves incurred *infamia*, but it does answer to the question of whether the social disrepute surrounding the *praeco*, a stigma evident in the Republican writings of Cicero, continued on into the later empire.

The negative perception of the trade in the imperial East is evident in Dio Chrysostom, who argued in his *Euboian Oration* (written sometime after 95 CE), for a respectable place for the poor in society. Referring to the *praecones* by their Greek name, κήρυκες, Dio points to these criers as an example of sordid professionals: “Neither should our poor become auctioneers or proclaimers of rewards for the arrest of thieves or runaways, shouting in the streets and market-place with great vulgarity.”¹⁴⁷ Chrysostom demonstrates that the use of criers within cities in the East was similar to how they were utilized in Roman cities, and exemplifies that the stigma attached to the trade in Roman culture was apparent in other parts of the empire as well. Yet another reference to the sordid provincial crier is seen in the *Metamorphoses* of Apuleius, where a crier advertised for a corpse-watcher and a Thessalian livestock auctioneer attempted to sell off Lucius (the ass) while deceiving and mocking his customers.¹⁴⁸ Although auctioneers were often held in social contempt, Apuleius points to the fact that auctioneering was a sordid yet important part of provincial life.

An indication of the lucrative—and prevalent—nature of auctions in Roman imperial society comes from Augustus’ establishment of the 1% taxes on auctions in order to keep the

¹⁴⁷ Dio Chrys. 7.123. ‘Οὔκουν οὐδὲ κήρυκας ὀνίων οὐδὲ κλοπῶν ἢ δρασμῶν μήνυτρα προτιθέντας, ἐν ὁδοῖς καὶ ἐν ἀγοραῖ φθεγγομένους ...’ (ed. Donald Andrew Russell, *Dio Chrysostom: Orations VII, XII, and XXXVI* [Cambridge: Cambridge University Press, 1992], 54). Also note the derogatory tone in *Orations*, 34.31.

¹⁴⁸ Apul. *Met.* 2.21-3; 8.24-5.

aerarium militare consistently funded.¹⁴⁹ Tacitus reports that when the people asked Tiberius for a reprieve from this tax, he noted that: “the military treasury depended on that branch of revenue.”¹⁵⁰ Furthermore, the second century *lex metalli Vipascensis* points to the use of auctions and their continuance as a nexus of collegial activity in the provinces. Within the regulation, imposed on mines in Lusitania, auctioneers are recognized as brokers between numerous trade associations and the populace.¹⁵¹ The *praecones* are cited as interacting with slave suppliers, procurators of mines, livestock sellers, and other merchants. The law addressed the intermediary professionals—bankers and *praecones*—as well as other tradesmen: bath owners, shoemakers, barbers, fullers, and quarriers. The continued importance of *praeco* into the second century is evident within this law and indicates his civic significance outside the bounds of Italy.

While these professionals continued to be cast as persons of low class by the literary sources—writers who were themselves predominantly elites—*praecones* continue to appear in the epigraphic evidence as wealthy merchants who profited as key economic middlemen. Whereas the private *praeco* attained wealth, civic honor appears to have been relegated to the apparitorial *praecones*, who, as I will now show, initially emerged as important assistants to administrators in the Republic but increasingly gained influence and status as the voices of imperial administration. In contrast to the private *praecones*, the Principate developed and expanded the hierarchy and honors within the apparitorial system, providing an avenue for honor for these men beyond another predominantly libertine institution, the *seviri*

¹⁴⁹ Tac. *Ann.* 1.78.

¹⁵⁰ *Ibid.* ‘...*militare aerarium eo subsidio niti...*’

¹⁵¹ *CIL* II, 5181 = *IRCPacen* 142 = *ILS* 6891 = *AE* 2001, +1128.

augustales.¹⁵² As I will now assess, due largely to Augustus' institutionalization of the civil service, a broad spectrum developed within the *praeconium* by the early imperial period, with civic honors going predominantly to the criers employed by the imperial house and the administrative *ordines*. Even the orders of *apparitores* currently employed in their trade, however, were similarly excluded from civil magistracies. This exclusion was perhaps an attempt at controlling corruption or abuse of power, yet the ban may also illustrate that within the imperial world there was an increased use of and control over them.

As I will argue, the prestige attached to imperial administrative positions provided apparitorial *praecones* with status, but perhaps also served the purposes of the state: to assure confidence among the people in their messages and to insure subservience from the messenger. Furthermore, the legitimization of the apparitorial *praeco* by Augustus and successive emperors more deeply separated these *praecones* from the private *praecones*, who were still active professionals within provincial cities. Central questions will therefore be how institutions such as the imperial house and the military conferred honor on these criers, and whether the bestowal of status can be viewed—as legal marginalization has been viewed—as an alternate means of control used to maintain social order in Roman society.

7. The Apparitorial Orders and Legitimation

Gaius Calpurnius Quirina Apollinaris, son of Gaius, made this monument for myself and the inheritors of our family name, for (my) father, Gaius Calpurnius Apollinaris, son of Spurus, of the Collina tribe *apparitor* of Augustus, *praeco* of the Julian order of criers...¹⁵³

¹⁵² Purcell, "Apparitores," 133.

¹⁵³ Appendix I.6.

In the town of Cures Sabini, just north of Rome, a son erected an epitaph citing the offices of his father, Gaius Calpurnius Apollinaris. The imperial era monument proudly cites the elder Calpurnius as an *apparitor* (assistant) to the imperial house and a *praeco* of the ‘*decuria Julia*’. While little is known about the exact function or hierarchy of this order of criers, they appear to have assisted the consuls within the city of Rome. Other epitaphs cite the position of ‘*apparitor Augusti*’ and indicate that—like the epitaphs associated with the *familia Caesaris*—any association with the imperial house was considered a position of status.¹⁵⁴ Marcus Falcidius, a *praeco* and *apparitor Augusti*, was part of the ‘*ordo decuriae Iuliae praeconiae consularis*,’ and his son went on to be adlected into the order of decurions for the Italian town of Puteoli.¹⁵⁵ As the epitaph of Calpurnius indicates, apparitorial positions and those connected with the imperial house were a source of identity and prestige—offices to be touted in one’s epitaph, ones which could elevate entire families.

While the exact organization and administration of the Roman civil service is—as A.H.M. Jones has pointed out—often obscure, it is evident from these and other imperial inscriptions that service within the *decuriae* of *apparitores* that assisted the Roman consuls, municipal magistrates, and provincial administrators was a source of status and honor.¹⁵⁶ Besides the aforementioned plaque—cited in the *lex Cornelia de XX quaestoribus*—that held the names of currently serving quaestorial *apparitores*, it appears that in the imperial period,

¹⁵⁴ See especially Paul R.C. Weaver, *Familia Caesaris: A social study of the emperor’s freedmen and slaves* (Cambridge: Cambridge University Press, 1972), 42-86. Other positions, such as the *medici Augusti* (doctors of the imperial house) and the *dissignator Augusti* also exemplify the elevation in status through association with the imperial house. Cf. *medici Augusti*: IGR IV, 1444; IGR III, 1061; *dissignator Caesaris Augusti*: AE 1953, 57.

¹⁵⁵ Appendix I.9.

¹⁵⁶ Jones “The Roman civil service”; Purcell, “Apparitores.”

some apparitors may have also had specially reserved seats in the theater.¹⁵⁷ The apparitorial *praeco* predominates among the surviving inscriptions for the *praeco*, often exemplifying the social mobility provided them within the apparitorial order. These men not only functioned to increase the cachet of an official by serving in his entourage, but they also provided important services within Roman society. The legal evidence supports the necessity for these civil servants in Rome and within the provinces as the empire expanded in the last century BCE, especially in their roles as disseminators of law and maintainers of public order.

The employment of *apparitores* by municipal duumvirs and the existence of apparitorial orders within provincial cities in the Republic have already been established, as evinced by the charter from Urso (c. 44 BCE). The charter supports the notion that the apparitorial order was customary within Roman municipalities. While extant epitaphs for apparitorial *praecones* are fewer in number as compared to those for other *apparitores*, new avenues for status appear to have been established for the crier in the imperial period, e.g., becoming a *praeco* of the *decuria Julia*.¹⁵⁸ As Purcell has noted, the role of *praeco*, even within the administrative orders, was a junior and lesser-regarded apparitorial post indicated by very few apparitorial epitaphs; however, it did provide a position of status conferred by the elite.¹⁵⁹ The role of these decurial criers in promulgating laws, tax edicts, and various other imperial announcements was essential to the proper functioning of the empire.

The central importance of *praecones* and other lower-level functionaries within the Roman military and administration is echoed in legal evidence from the *Digest* and the

¹⁵⁷ Tacitus notes that a freedman who brought charges against a Roman *eques* was rewarded by being given seats among the *viatores* of the tribunes (Tac. *Ann.* 16.12: '*Liberto et accusatori praemium operae locus in theatro inter viatores tribunicios datur.*'). While the *praecones* are not mentioned specifically, it is likely that the entirety of the staff had special seats within the theater.

¹⁵⁸ Appendix I.6; 9.

¹⁵⁹ Purcell, "Apparitores," 147.

Justinian Code. In the *Digest*, the late second century jurist Tarruntenus Paternus records in his book on military affairs that within the military community, *praecones* were *immunes*—persons exempt from basic chores—along with butchers, hunters, those who dealt with sacrificial animals, suppliers to the army, couriers, trumpeters, and numerous other professionals.¹⁶⁰ The exemption of these professionals from other tasks assumedly allowed them to concentrate on their duties, but was also a perk. Following the institution of liturgical services in Late Antiquity, exemptions from larger *munera* became beneficial. Beginning in the fourth century, those *apparitores* within the administrative offices of the Master of the Cavalry and those *apparitores* attached to the proconsul and legates received exemptions from compulsory municipal services—making them competitive positions to attain.¹⁶¹

As the exemption of certain *apparitores* from liturgies indicates, these men were considered essential to the functioning of the empire. Furthermore, they were a growing class of persons within the empire—400 served within the office of the proconsul, and 600 served the Count of the Orient alone—an indication that these persons were increasingly depended upon to oversee the functioning of the empire.¹⁶² The necessity of the *praecones*, in particular, perhaps derived from their pivotal role as communicative intermediaries; a role that made them essential to military and administrative operations. As the empire expanded both geographically and administratively from the first to the third centuries CE, interconnectivity and reliable communication with the center—the emperor—became crucial.

¹⁶⁰ Tarr. Pat. *Dig.* 50.6.7.

¹⁶¹ The *apparitores* within the office of the Master of the Cavalry belonged to a special military order (*Cod. Just.* 12.54.2), and in 364 CE were exempted from municipal liturgies and from holding municipal offices while they served as an *apparitor*. *Apparitores* serving the proconsuls and legates were also exempt from such liturgies as long as they served, and thus appointment certificates were in high demand (*Cod. Just.* 12.59.9-10).

¹⁶² *Cod. Just.* 12.55.2; 12.56.1.

Criers were key agents in the establishment and maintenance of this interconnectivity, and their function in the imperial period reveals the systemic effects of imperial expansion and Augustus' expansion of the administrative orders, but also portrays the exceedingly oral nature of Roman society.

8. Communication and the *praeeco* in Roman society

Since the Republic, both administrative and private *praecones* had been hired to maintain order among the populace, whether in the theater or in the market. Literary evidence demonstrates that criers continued to be essential intermediaries used by the state in order to quell social upheaval and maintain order. Furthermore, an analysis of the role of *praecones* within the empire provides a means of viewing larger imperial trends in Romanization and socio-political networking. I will now look at the broader impact that both private and apparitorial *praecones* had on establishing and maintaining information systems within the empire. I argue for the rather unrecognized role that these professionals played in networking the empire together, and indicate that the conferment of status among the *apparitores* was a means of control, much in the way that marginalization was used to maintain the social order.

The use of apparitorial *praecones* in the provinces is especially striking in the works of Josephus. He notes the fact that Herod used criers in order to convince the people of Jerusalem that he had come for good and would provide amnesty to the revolutionaries.¹⁶³ In his *Jewish Antiquities*, Josephus notes that, in Rome, after a wealthy crier named Euaristus Arruntius along with the tribunes visited public buildings to announce to the populace that the emperor Caligula was dead, the German soldiers milling about who had not yet heard of

¹⁶³ *Bell. Jud.* 1.15.5.

the emperor's death gave up their intent to disrupt the city.¹⁶⁴ Similarly, criers could also be used to reinforce violence performed by the state. Josephus notes that after soldiers killed 3,000 Jews following an uprising during Passover, the criers of the Roman general Archelaus, who had ordered the massacre, were deployed in order to follow people to their houses and restore calm.¹⁶⁵ The examples within Josephus present the power of the voice in the Roman world and demonstrate that criers had a crucial role in the dissemination of information.

8.1 *Praecones and the dissemination of information in the Roman empire*

Again, one word, sent from the mouth of the *praeco*, may rouse all ears among the people. And thus one voice scatters asunder into many voices, since it divides itself for separate ears, imprinting form of word and a clear tone.¹⁶⁶

Lucretius delineates the central role of the *praeco* within an ancient city as a disseminator of information—whether truth or lies—throughout the populace. In order to rise above the clatter of carts and foot traffic, the acerbic shouts of these professionals—hired to recite edicts, announce events, and sell wares on street corners—indeed became ubiquitous within the urban landscape.¹⁶⁷ Based on Cicero, one can imagine the voice of the late Republican orator Granius, planting a *hasta* in the forum in order to denote his presence, and spending his days auctioning wares, booking estate sales under his direction, or perhaps announcing *ludi* to be held in the city on an upcoming festival day. In the Republic,

¹⁶⁴ Josephus describes Arruntius' profession: 'Ἦν δὲ Εὐάρεστος Ἀρούντιος τῶν κηρυσσόντων τὰ πωλούμενα' (*Jew. Ant.* 19.18).

¹⁶⁵ Joseph. *Bell. Jud.* 2.11.13.

¹⁶⁶ Lucr. *De Rer. Nat.* 4.563-7: 'Praeterea verbum saepe unum perciet auris/omnibus in populo missum praeconis ab ore./ In multas igitur voces vox una repente/ diffugit, in privas quoniam se dividit auris obsignans formam verbis clarumque sonorem.'

¹⁶⁷ For the omnipresence of the *praeco* within Rome, see Juv. *Sat.* 3.31.

praecones such as Granius connected civic associations and individuals within an economic and social network within the city, but during the transition from the Republic to the Principate, the use of *praecones* would expand to encapsulate a pivotal role as conveyors of information from the center—i.e., Rome—to the periphery. As we will see, while the private *praecones* outside the apparitorial orders continued to unite civic and associative networks within cities, the mediating voice of apparitorial *praecones* helped to standardize and unite the vast geography encompassed within the empire. While it is often the content of laws rather than the means of their dissemination that is focused upon, I contend that apparitorial criers in particular were vital as the wires in the spread of Romanization, information, and propaganda throughout the empire.

The oral nature of Roman society is important when assessing the impact of the *praeco* and other criers on the Roman world. In his prologue to the *Asinaria*, Plautus directly addresses the *praeco* and orders him: “Now, crier, provide the audience with ears. Alright, sit down and don’t forget your fee.”¹⁶⁸ In contrast to the 99% literacy rate within America today, in Roman society—wherein millions could neither read nor write—the power wielded by the crier was significantly greater than in more literate societies. The populace had much greater interaction with the criers who gave them ears than with the magistrates or patrons that these criers represented, and thus the veracity of the crier was of utmost importance. False information was a reality with sometimes dire consequences in the Roman world, a fact exemplified by a case in Suetonius where the emperor Domitian put his cousin, Flavinus Sabinus, to death after a *praeco* mistakenly declared him emperor instead of consul.¹⁶⁹ The

¹⁶⁸ Plaut. *Asin.* 4-5: ‘*face nunciam tu, praeco, omnem auritum populum. Age nunc reside, cave modo ne gratiis.*’

¹⁶⁹ Suet. *Dom.* 10.4: ‘*Flavius Sabinus alterum e patruelibus, quod eum comitiorum consularium die destinatum perperam praeco non consulem ad populum, sed imperatorem pronuntiasset.*’

crier's mistake announced Sabinus as a usurper, and Domitian trusted the news. There was indeed a reliance of the populace (and, apparently, Domitian) on these criers, and as such, there was at least the potential for the manipulation of this duty. The two shifts that we have identified—the exclusion of active criers from municipal offices and voting beginning in the late Republic and the social elevation of the *praecones* that served magistrates or within state institutions—can perhaps be viewed as attempts to strengthen the control of the state and the local elite over expanding information networks.

In *The World is Flat*, Thomas Friedman proposes that the increase in the dissemination of information brought about largely by the internet age in the twentieth and twenty-first centuries has “flattened” the world, making it more interconnected and globalized than ever before.¹⁷⁰ The growth and development of the Roman empire across the Mediterranean in the last two centuries BCE is, I propose, in many ways similar to the boom in globalization and “flattening” that America has experienced in the last twenty years. The Republican expansion of Roman *imperium* over a vast geographic area, coupled with the continued dependence on Rome as the center within the empire, meant that provincial communication and interconnectivity were imperative. In turn, the necessity for reliability in this expanding administrative, social, and economic network was also key. The security of the network meant that elements potentially corrosive to the system or deviating from the administrative line had to be marginalized and that those within the system—e.g., criers—were given status in return for their loyal service.

Within the imperial information network that disseminated laws, letters, and other decrees from various points, the apparitorial *decuriae* were agents of imperial control in the

¹⁷⁰ Thomas L. Friedman, *The World is Flat: A brief history of the twenty-first century* (New York: Farrar, Straus and Giroux, 2005).

early empire who provided information emanating from a newly legitimized center: the emperor. As the empire expanded, the “buffer” (as Nicolet termed the *apparitorial* orders) also increased between the emperor, officials, and the populace.¹⁷¹ It is within these buffer zones that the *praeco* often worked. In order to lend legitimacy and veracity to the message of the emperor and the state, the network of criers in service to the imperial house, the army, and the civil administration in turn required an elevation in status that communicated *fides* and *dignitas* to the populace. In Greek culture as well as in the Roman world, status denoted trust. High status criers had been established in Athens and other ancient Greek cities as faithful diplomats, and we can perhaps view the elevated *praecones* in the early empire in the same manner. The repute of imperial and military institutions elevated early imperial *praecones* socially; however, what happened to the status of these *praecones* when these institutions themselves fell into disrepute?

9. Corruption and the status of apparitorial *praecones* in Late Antiquity

We wish to protect the curials, *navicularii*, and all *corpora*, so that no *apparitores* of any magistrate shall be permitted to do anything which helps plunder the provinces.¹⁷²

The decree issued by the emperors Honorius and Theodosius to the Praetorian Prefect, Hadrianus, at the beginning of the fifth century, demonstrates a concern, evident within Late Antique legal codes, historical texts, and theological treatises, with the behavior

¹⁷¹ Claude Nicolet, *The World of the Citizen in Republican Rome*, P.S. Falla, trans. (Berkeley and Los Angeles: University of California Press, 1980), 327.

¹⁷² *Cod. Just.* 12.61.4: ‘*Curialibus et naviculariis omnibusque corporibus ita subveniri volumus, ut nihil apparitorialibus universorum iudicum liceat, quod ad praedam provinciarum pertinet.*’ In the later Roman Empire, a *iudex* means a magistrate with any power (cf. *Cod. Just.* 1.45.2. The decree refers to the provincial governor as a *iudex*), and is used to collectively refer to imperial officials (cf. Adolf Berger, *Encyclopedic Dictionary of Roman Law* [Philadelphia: The American Philosophical Society, 1953], 518; s.v. *iudex*).

of those persons that assisted military officials and magistrates: *apparitores*. While officials and their apparitors ideally served the state and upheld the laws in place within Roman society—from the third century onwards—the policing of corruptive practices and governmental fraud became increasingly pervasive. While still legally elevated in Late Antiquity, I contend that a social—rather than legal—stigma began to be attached to *apparitores* as an order, and, in turn, to the apparitorial *praecones*. In the later empire, the legitimacy and prestige conferred on the apparitorial *praecones* was undermined by the slow disintegration of the institution they were associated with: the state.

The *apparitores* were legally and socially recognized within the Roman empire as an *ordo* attached to various bureaucratic offices.¹⁷³ As a result, they were often spoken of collectively—as Ammianus exemplifies—rather than differentiating between the lictors, messengers, and criers individually.¹⁷⁴ These apparitorial *ordines* are a telling barometer with which to gauge the larger trends in Late Antiquity, particularly the growth of corruption. They signify systemic problems in the late empire: the turn towards private profit among administrators, the dependency on imperial deputies, and the lack of effective administrative oversight.¹⁷⁵ Ramsay MacMullen contends that while emperors from Constantine to Theodosius II attempted to use their authority to stop these abuses of power among their deputies in the provinces, “Reality was governed by *apparitores, curiosi, tabularii, officiales,*

¹⁷³ Cohen, “Some neglected ordines,” 49-54.

¹⁷⁴ A dedicatory inscription from Rome addressed the *apparitores*, which here include *aedilicii, praecones,* and *vicarii*: ‘*D(ecimus) Cae<c=S>ilius Singenus appar(itoribus) / aedilic(iis) praec(onibus) vicar(iis) vete(ribus) cubic(ulum) Hyp(a)et(h)r(um) cum / ornam(entis) suis d(e) s(uo) d(onum) d(edit)*’ (CIL VI, 1947).

¹⁷⁵ For the regular sale of offices in Late Antiquity and the increasing social disdain for this practice, see: Ramsay MacMullen, “Power for sale,” in *Corruption and the Decline of Rome* (New Haven: Yale University Press, 1988), 122-70; Christopher Kelly, “Purchasing power,” in *Ruling the Later Roman Empire* (Cambridge: Harvard University Press, 2006), 138-85.

and the rest.”¹⁷⁶ The emperor was the ostensible head of the late empire, yet in actuality, it was the *apparitores* and other administrators with whom the populace regularly interacted.

The legal evidence within Late Antique law codes indicates that the increasing power and dependency upon the *apparitores* and other minor officials had repercussions in the form of corruption. Under Constantine, in November 331, a decree went out to the provinces declaring that: “The rapacious hands of *officiales* shall immediately cease, they shall cease, I say. For if, after a warning, they do not cease, they will be cut off by swords.”¹⁷⁷ Despite Constantine’s attempts to stop the fleecing of the populace, the corruption among *apparitores* appears to have persisted. In 373 CE, Valentinian and Valens attempted to stop the apparent defrauding of the state and taxpayers by *apparitores*.

We forbid the *praefectiani* (apparitors within the office of the praetorian prefect) to interfere in the collection of taxes in the provinces, or rather engage in gain and profit to themselves, to the detriment of the provincials. We further deny them the custody of warehouses or undertake the functions of an inspector of the public post. If one of them becomes a violator of this law, he shall feel our wrath and indignation.¹⁷⁸

The later imperial law codes are filled with threats against corruptive officials, begging the question of whether these laws in fact represents a social reality, or were simply the product of overly paranoid emperors. As the historical and early Christian writings of the fourth century and fifth centuries indicate, there does appear to have been corruption among these imperial assistants, and a mounting degree of resentment.

¹⁷⁶ Macmullen, *Corruption*, 150.

¹⁷⁷ *Cod. Theod.* 1.16.7: ‘*Cessent iam nunc rapaces officialium manus, cessent inquam: nam si moniti non cessaverint, gladiis praecidentur...*’ As previously noted, assistants to magistrates were interchangeably called *officiales* and *apparitores* (Pharr, *Ancient Roman Statutes*, 258; s.v. *apparitor*).

¹⁷⁸ *Cod. Just.* 12.52.2: ‘*Praefectianos ad perniciem provincialium exactionibus in provinciis vel potius lucris et quaestibus suis sese immiscere vetamus: praeterea vel horreorum gerere custodiam vel curarum ius atque arbitrium sibi praesumere his denegamus. Horum si quis praesentis legis temerator existat, volumus eum competenti motu indignatione percelli.*’

An anecdote in Ammianus Marcellinus conveys the corruptive practices of one government official in Late Antiquity and the role of his *apparitores* in carrying out these acts. Moreover, it lends credence to the evidence for increasing corruption and social disdain for these administrators in Roman society. While a praetorian prefect in the 360s, Gaius Ceionius Rufius Volusianus, known as Lampadius, undertook projects to restore buildings but would then claim to be the original builder of the structure.¹⁷⁹ When he wished to gather building materials, he sent *apparitores* who then seized lead, bronze, iron, and other materials without paying for them. Ammianus notes the dissatisfaction among the people was so high that they eventually rioted: “This so enraged the poor, since they suffered repeated losses from such a practice, that it was all he could do to escape from them by a rapid retreat.”¹⁸⁰ In Lampadius’ case, popular dissatisfaction with an imperial administrator and his *apparitores* resulted in popular violence; however, this disenchantment with imperial bureaucrats also resulted in the diminution in status of imperial administrators in the eyes of the populace. A general mistrust of government officials—including *praecones*—is indeed evident within many Late Antique laws in the Digest and Justinian code; however, how can this increase in the corruption among these administrators be accounted for?

A central reason is money. Beginning in the Republic, these men had received little pay for their services, and appear to have increasingly made up for this income gap by fleecing the populace and skimming from taxes they were supposed to hand over to the state.¹⁸¹ The rescript of 373 made the *apparitores* within the prefect’s office ineligible for the collection of taxes—apparently due to their swindling of the provincials. Another, enacted in 385, kept

¹⁷⁹ Amm. Marc. 27.3.7.

¹⁸⁰ *Ibid.* 10: ‘unde accensorum iracundiam pauperum damna deflentium crebra aegre potuit celeri vitare digressu.’

¹⁸¹ On the low pay of *apparitores*, see Jones, “Civil Service,” 41.

apparitores from adoring or kissing the purple (i.e., gaining the higher status from the emperor that accompanied this honor) and established that “all such rights obtained by stealth and *obreptio* (influence) shall be invalid.”¹⁸² The interaction of these *apparitores* with the populace is further indicated in a law of 417, which notes that any *apparitor* of the praetorian prefecture that defrauded a *pistor* would, following conviction, be relegated to the order of bakers himself.¹⁸³ While laws do not always depict the social reality, the legal evidence does indicate corruption and malfeasance within the apparitorial *ordines*, a development that would be harped upon by writers within a newly legitimized institution that set out to decry corruption and situate itself as a champion of the people: the Church.

Around 400, the bishop Maximus of Turin recognized the pervading corruption and injustice within the imperial administration, and decried the fact that positions were sold to the highest bidders and law was disregarded.¹⁸⁴ Maximus reiterates a common trope among early Christian writers: the condemnation of imperial corruption and the blaming of imperial administrators and judges.¹⁸⁵ These administrators presented an attractive, rhetorical foil to Christian clerics who fashioned themselves as moral and pious figures. Furthermore, as Lactantius indicates, the best way to defame a man was by attacking his morals and accusing him of corrupt practices—a page out of Cicero’s rhetoric handbook.¹⁸⁶ While Christian sources may certainly be hyperbolizing and aggrandizing the pervasiveness of corruption

¹⁸² *Cod. Just.* 12.52.2; 12.53.1: ‘...omnium suffragiorum obreptione cessante.’ The accusation of *obreptio* infers the attainment of honors or dispensations based on specious claims.

¹⁸³ *Cod. Just.* 12.53.2: ‘Quicumque illustris urbanae sedis apparitor clandestina fraude pistorem concusserit, accusatus atque convictus perpetuis panificii nexibus addicatur.’ In Late Antiquity, the *pistores* were no longer “bakers” in the sense that they baked bread or even touched flour. These were landed elite of high rank that oversaw bakeries and the flour coming into port, an obligatory service.

¹⁸⁴ Max. Taur. *Serm.* 26.

¹⁸⁵ For Christian writers harping on corruption, see Jill Harries, *Law and Empire in Late Antiquity* (Cambridge: Cambridge University Press, 1999), 153-7.

¹⁸⁶ Lact. *Div. Inst.* 5.2.

among the *apparitores* and other administrators, their rhetoric still perhaps served to detract from the status of these administrators within Roman society.

Numerous classes of *apparitores* had already been exempted from liturgies in Late Antiquity, and been conferred a special status, yet the abuse of these exemptions and profit from an imperial office—coupled with the recognition of this corruption in early Christian sermons and treatises—perhaps abetted a stigmatization of apparitorial *praecones* in the eyes of the Late Antique populace.¹⁸⁷ It is certainly difficult to discern to what degree the lower-level *praecones* were involved in this apparent corruption, but it can be stated that there began to be a discernable distrust attached to the entirety of the imperial system that Augustus had worked so hard to imbue with legitimacy and honor. In the same manner that the Republican *praecones* had been considered disreputable due to their profiteering and association with other disreputable persons, the connection of the Late Antique apparitorial *praecones* with the tarnished civil service made them similarly disreputable by association.

10. Conclusion

This chapter has aimed to indicate that *praecones* were professionals who interacted with both the private and administrative spheres of the Roman world, moving within political, social, and economic networks. Throughout Roman antiquity, these men served as essential mediators within both communicatory and associative networks, and as such they were often subjects of control. This control is seen in both their marginalization and legitimation: they were marginalized through a stigma of disgrace that prohibited them from serving on municipal councils or casting their votes in elections; yet apparitorial *praecones*,

¹⁸⁷ *Cod. Just.* 12.54.1-2.

who served in the retinues of magistrates, were expected to do the bidding of magistrates in exchange for a status—albeit the lowest—within the civil service. As transmitters between the elite and the populace, these seemingly minor professionals in fact played a significant role in the “flattening” of the Roman empire from the Republican period to the early empire. In Late Antiquity, they formed part of Roman administrative structures that were increasingly depended upon to rule the empire.

The *praecones* exemplify a fact that is continually recognized within this study, that status was not a static entity in the Roman world, but was often dependent upon the socio-political position of the institution that conferred it. Thus as confidence in the imperial administration began to wane from the third century onwards, there was less esteem to be found in its administrative positions. The appeal of these positions increasingly came from the fact that they provided exemptions from other financial burdens, rather than solely because they conferred status and honor on an individual. In the next chapters, I investigate changes in the status and roles of another professional group, that of funeral workers, and I contend that it was changes in attitudes towards death within Christianity—rather than an administrative shift—that allowed these once disreputable professionals to attain legitimation in Roman society

Chapter 3

Funeral Workers and the Mortuary Trade in the Roman World

An inscription from Puteoli dated to the first century BCE illustrates the social restrictions on mortuary workers in the municipality.

The *operae* who shall be provided for this undertaking are not to live on this side of the tower where the grove of Libitina stands today. They are to take their bath after the first hour of the night. They are to enter the town only for the purpose of collecting or disposing of corpses, or inflicting punishments, and on condition that whenever any of them enters or is in the town, then he is to wear a distinctive hat on his head.¹⁸⁸

The *manceps* (contractor) at Puteoli was required to alert others of their polluted profession with ‘distinctive’ caps (likely red in color), and the workers were separated from the city’s general population in that they were required to live outside the city.¹⁸⁹ Both physical and moral pollution—from graves and the gravediggers, executions and the executioners—was kept outside the city. While marginalized, funerary workers at Puteoli and those within the mortuary trades throughout the Roman empire, however, provided an essential service to the cities they worked within.¹⁹⁰

¹⁸⁸ AE 1971, 88.II.3-6: ‘...oper(ae) quae ad eam r(em) praeparat(ae) er(unt) ne intra turrem ubi hodie lucus est Libit(inae) habitent laventurve ab h(ora) I / noctis neve veniant in oppid(um) nisi mortui tollend(i) conlocand(i)ve aut supplic(i) sumend(i) c(ausa) dum ita / quis eor(um) veniat quotiens oppid(um) intrab(it) in oppid(o)ve erit ut pilleum color(ium) in capit(e) habea{n}t...’

¹⁸⁹ AE 1971, 88.II.13-4; John Bodal has pointed out that another funeral worker, the *carnifex* within Puteoli, was also required to wear *russatum* (red clothing) and ring a bell, and incurred greater disrepute due to his physical role in death as compared to the *operae* who carried off corpses (“Dealing with the dead,” 45).

¹⁹⁰ On executions happening outside the *pomerium*, see Alexander Weiss, *Sklave der Stadt: Untersuchungen zur öffentlichen Sklaverei in den Städten des Römischen Reiches. Historia Einzelschriften no 173* (Stuttgart: Franz Steiner Verlag, 2004), 116.

Both the law from Puteoli—often referred to as the *lex Libitinaris*—and the provisions within the *tabula Heracleensis* explored in Chapter Two exemplify the strong bias against certain professions within Roman society, particularly in the case of professions associated with the theatrical and funeral realms. In the same manner that I established the role of *praecones* in Roman society and the motives for their disrepute, I now aim to investigate the stigmatization, function, and identity of another professional class: funeral workers. Questions concerning the identity of these professionals are difficult to answer based on the current scholarship, which has only peripherally explored their social dynamics.¹⁹¹ Furthermore, the studies that have considered funeral workers have tended to limit their scope both geographically and chronologically, focusing predominantly on Rome and Italy, and maintaining an arbitrary divide between the Roman and Christian periods. As a result, a survey of the status and organization of funeral workers in Italy, Egypt, and within Jewish and early Christian communities from the Republic to Late Antiquity, is necessary.

First, I evaluate the social implications of the Roman belief that burial was a private rather than public expense. In Roman law, funeral expenses were a familial duty that the state only met as a rare honor for the elite or as a last resort in order to maintain public hygiene. Consequently, Romans began to rely on voluntary associations rather than on the state to insure their burial. Yet all these entities—the state, individual Romans, and voluntary associations—often relied on contracted funeral workers to perform the necessary mortuary services for the dead. While they were crucial professionals within Roman cities, these

¹⁹¹ In 2008, Bodel noted: “Enterprising businessmen in the death trade, it seems, inspired the major developments in Roman burial architecture over the first three centuries of empire. They operated, often, behind the scenes, but their role in the process was fundamental. Investigating their involvement in the funerary industry, however, is beyond the scope of this essay” (“From columbaria to catacombs: communities of the dead in pagan and Christian Rome,” in *Commemorating the Dead: Texts and Artifacts in Context: Studies of Roman, Jewish and Christian Burials*, Laurie Brink and Deborah Greene, edd. [Berlin and New York: de Gruyter, 2008], 232).

funeral workers experienced a range of disrepute while performing their trade, and were often legally and physically outcast from the civic population. Fundamental questions I will address include the reasons for their disrepute, and the impact that this disrepute subsequently had both on the identity and epigraphic habit of funeral workers.

Second, I examine the role of slaves and freedmen in funeral associations. I recognize the dearth of epigraphic evidence for funeral workers in the Republic and early empire; however, I evaluate the small amount of extant inscriptions, which largely pertain to *dissignatores*, professionals who often oversaw funerals and organized theatrical events. I recognize the proliferation of freedmen within the profession of *dissignator*, and distinguish the avenues of social mobility open to professionals within the funeral trade. I argue that the separation between the theatrical and funeral *dissignator* is a modern division, and I demonstrate that there is no ancient evidence suggesting that *dissignatores* were relegated to serve in either a mortuary or a theatrical context exclusively. Moreover, I more closely analyze the interaction of the *dissignator* with other *collegia*, and I contend that the *dissignator* and the funeral association constituted a significant social and economic node in Roman society.

1. The State of Scholarship

Much has been written about death and dying in the Roman world, particularly in regard to funeral ritual, the evidence presented by epitaphs, and ethnicity.¹⁹² Seminal among these secondary sources is Ian Morris' *Death-Ritual and Social Structure in Classical*

¹⁹² For example, Jocelyn M.C. Toynbee, *Death and Burial in the Ancient World* (Ithaca: Cornell University Press, 1971); Maureen Carroll, *Roman Funerary Commemoration in Western Europe* (Oxford: Oxford University Press, 2006); John Pearce, Martin Millett, and Manuela Struck, edd. *Burial, Society, and Context in the Roman World* (Oxford: Oxbow, 2000).

Antiquity, in which he used death ritual and burial trends as a means to distinguish social ideologies and idealized social structure of ancient cultures.¹⁹³ Using case studies, Morris indicated how fundamental structures within society—particularly hierarchy—endure within the archaeological record. Whereas Morris focused on how changes in burial rituals (the transition from cremation to inhumation, changes in epitaphs and burial goods) reflect ideological transformations, I use the status and role of funeral workers as a lens through which to view Roman, Egyptian, Jewish and Christian ideologies surrounding death, pollution, and the poor, augmenting Morris’ argument. In so doing, I heed Morris’ caution to scholars studying these rituals, namely that “the importance of the treatment of the body can only be interpreted by seeing it in context,” and I promote his belief that we can afford to ignore no category of evidence, no matter how ostensibly minor.¹⁹⁴

Burial as a reflection of antique society has been a central theme explored by scholars such as Morris, Anne Kolb, and Joachim Fugmann; however, there has been little focus on the professionals who performed these funeral services and how they reflect the society they served.¹⁹⁵ The secondary scholarship on these Roman-era mortuary professionals, most notably the research of Bodel and François Hinard, is centered on the necessity for funerary groups such as the *libitinarii* to exist in Rome and Italy, the location of the *schola* (meeting house) of the *libitinarii* at Rome, and the municipal regulation of the trade in Italy; Bodel and

¹⁹³ Ian Morris, *Death-Ritual and Social Structure in Classical Antiquity*. Key Themes in Ancient History, Paul Cartledge and Peter D.A. Garnsey, edd. (Cambridge: Cambridge University Press, 1992).

¹⁹⁴ *Ibid.* 69; 200.

¹⁹⁵ Ian Morris, *Burial and Ancient Society: The Rise of the Greek City-State* (Cambridge and New York: Cambridge University Press, 1987); Anne Kolb and Joachim Fugmann, *Tod in Rom : Grabinschriften als Spiegel römischen Lebens*. Kulturgeschichte der antiken Welt, Bd. 106 (Mainz am Rhein: Von Zabern, 2008).

Hinard have based their conclusions on inscriptions from Luceria, Puteoli and Cumae.¹⁹⁶

These studies form the basic understanding of the mortuary trade in Rome and Italy and of the regulations imposed on some Italian funeral workers. The current scholarship reflects the fact that the epigraphic and literary evidence for funeral workers is concentrated in Rome and Italy; however, I indicate that papyrological evidence for funeral workers in Egypt is quite substantial. Furthermore, there is strong archaeological and epigraphic evidence for funeral workers and burial associations within Jewish communities in Roman Palestine, which has only begun to be examined.

A central deficiency in our understanding of the Republican and early imperial period funeral workers employed within the Roman world concerns the structure and networking of their various voluntary associations. Modern scholars have tended to treat funeral workers *en masse*, with little investigation into the evidence for their specialization and associative identities. Through his collection of evidence for funeral workers in the Latin West, Stefan Schruppf departs from this tendency, and has contributed greatly to our knowledge of the economic opportunities provided by the mortuary market. However, a closer examination of the role of the *dissignator*, the social function of associations of funeral workers, and the evolution of these associations from the Republic to Late Antiquity remains insufficient.¹⁹⁷

¹⁹⁶ Bodet has written extensively on the *libitinarii* in the Republican and imperial periods. Cf. John Bodet, "Graveyards and Groves. A Study of the Lex Lucerina," *AJAH* 11 (1994), 1-133; "Dealing with the dead"; "The organization of the funerary trade at Puteoli and Cumae," in *Libitina e dintorni* (Rome: Quasar, 2004), 147-68. Also note: François Hinard and Jean. Christian Dumont, edd., *Libitina. Pompes funèbres et supplices en Campanie à l'époque d'Auguste. Édition, traduction et commentaire de la Lex Libitinae Puteolana*. (Paris: De Boccard, 2003); Silvio Panciera, ed., *Libitina e dintorni. Libitina e i luci sepolcrali. Le leges libitinariae campane*. Atti dell'XI Rencontre franco-italienne sur l'épigraphie [Libitina 3] (Rome: Quasar, 2004); Emma-Jayne Graham, *The Burial of the Urban Poor in Italy in the Late Roman Republic and Early Empire*. BAR International Series 1565 (Oxford: Archaeopress, 2006).

¹⁹⁷ Stefan Schruppf, *Bestattung und Bestattungswesen im Römischen Reich. Ablauf, soziale Dimension und ökonomische Bedeutung der Totenfürsorge im lateinischen Westen* (Göttingen: Bonn University Press, 2006).

Investigation into these professionals is admittedly difficult, since their associations are markedly less epigraphically attested than, for example, the highly visible Roman associations of *frumentarii* (grain dealers) or *fabri tignuarii* (builders); nevertheless, I contend that this negative evidence is indicative of their social position. I assert that the social stigma of *infamia* attached to individuals dealing with death must be taken into account when considering the epigraphic deficiency.¹⁹⁸ If Richard Saller and Brent Shaw are correct in maintaining that the creation of an epitaph was not cost-prohibitive for even lower-level workers—including professionals dealing with death—then we must ask why there is so little epigraphic evidence for funeral workers.¹⁹⁹

2. The Responsibility for Burial

How can a man, indeed, bury the body of one with whom he had nothing to do, without being motivated by some feeling of *pietas*?²⁰⁰

Ulpian, *Digest*

In his discussion of the *actio funeraria*, Ulpian noted that an arbiter would evaluate the motive of any person who claimed in court that he wished to be compensated for the burial of

¹⁹⁸ In Ostia, there are numerous inscriptions attesting to the associations, dedications, leaders, memberships, *scholae*, and civic benefactions of the *fabri tignuarii*. DeLaine counts them as one of the largest and most influential associations in Ostia, and both the grain merchants and the construction workers had contracts with the local council—as did the funeral workers (Janet DeLaine, “Building activity in Ostia in the second century A.D.,” in *Ostia e Portus nelle loro relazioni con Roma*. Acta Instituti Romani Finlandiae 27, Christer Bruun and Anna Gallina Zevi, edd. (Rome: Institutum Romanum Finlandiae, 2002), 72-4.

¹⁹⁹ Richard P. Saller and Brent D. Shaw, “Tombstone and Roman family relations in the Principate: civilians, soldiers, and slaves,” *JRS* 74 (1984), 128. Soldiers could apparently buy a modest tombstone for less than 100 sesterces, and an inscription from a *collegium* in Lanuvium that provided burials for its members indicates that the membership fee was 100 sesterces, with dues of a little more than 1 sesterce a month (*CIL* XIV, 2112=*ILS* 7212). Hinard and Dumont propose 60 sesterces per funeral (*Pompes funèbres*, 72).

²⁰⁰ Ulp. *Dig.* 11.7.14.7: ‘*quis enim sine pietatis intentione alienum cadaver funerat?*’

a stranger.²⁰¹ The jurist appears suspicious as to why any man would undertake burial out of charity alone, based solely on reasons of human decency (*humanitas*) or pity (*miser cordia*), without any personal duty (*pietas*) compelling him.²⁰² Roman law stipulated that those who organized a funeral could bring this *actio* against the legally responsible person, i.e., a deceased's heir or master, if the latter did not pay for the funeral costs; as a result, the power of *actio* encouraged individuals and funeral workers to undertake burials quickly, at their own expense.²⁰³ According to Ulpian, the state established the policy "so that corpses are not left unburied and so that nobody is buried at a stranger's expense."²⁰⁴ As the extensive laws on funeral costs indicate, Roman funerals were primarily a personal expense, with the Roman state striving to avoid being the "stranger" left paying the bill. The burial cost was deducted from a man's estate or a woman's dowry before any other expense, and, if need be, the cost could be charged to a relative or patron.²⁰⁵ Just as the Roman state provided only a negligible "welfare net" to feed and house its poor, funerals were a private expense. With the exception of the rare *funus publicum* and occasional grants of burial plots or moneys to defray burial cost, the state had little financial involvement in funeral arrangements.

Receiving a *funus publicum* from the Roman state or a local municipality was a superlative honor reserved for meritorious statesmen and the imperial family—a reward and not a civic right. The state paid for such honorific funerals from the treasury, and, rarely, a

²⁰¹ Ulp. *Dig.* 11.7.14.7. The *actio funeraria* was granted by the Praetor and allowed an action of a person who had arranged a burial at his own expense against an heir.

²⁰² The prevalence of the phrase '*ob pietatem*' in Latin epitaphs represents *pietas* as a reciprocal relationship between kin in regard to burial duties. Cf. *CIL* VI, 6053 (Rome): '*Vipsania Iucunda / vixit annos XII / pos(u)it Fructa soror / ob pietatem eius.*'

²⁰³ Ulp. *Dig.* 11.7.12.2-3: 2. A master was responsible for a slave's burial (Ulp. *Dig.* 11.7.31.1-2) if the latter had not made arrangements through a *collegium*.

²⁰⁴ Ulp. *Dig.* 11.7.12.3: '*ne insepulta corpora iacerent neve quis de alieno funeretur.*'

²⁰⁵ Ulp. *Dig.* 11.7.14.1-17.

funus collatium (funeral tax) could be levied on the populace to defray the cost.²⁰⁶ The lack of a state burial institution meant that burial plans were the responsibility of the individual or immediate family or had to be insured through an individual's membership in a *collegium*.²⁰⁷ Since all Romans, not just the elite, were concerned with proper funeral rites, the funeral function of many *collegia* made membership significant to every individual. An Augustan-era Roman senator, reading the sixth century *Novellae* of Justinian, would have likely been stunned to read the preface to the emperor's forty-third constitution:

Since our subjects are the objects of the care of our power both while living as well as when dead, therefore so that burials be neither costly to them nor burdensome to those who are from their households, we have made proper provisions in regard to matters pertaining to burials...²⁰⁸

As will emerge in Chapters Four and Five, there were major changes in ideology surrounding the responsibility for burial and reaction to the poor following the growth of Christianity in the fourth century. In the Republic and early empire, the Roman aristocracy, however, was largely contemptuous of parasites and of any kind of welfare state—a fact apparent in literary passages concerning issues such as the grain dole and alms giving.²⁰⁹ Though Roman philosophers proclaimed that putting at least a “little pile of dirt” on even an unknown corpse was a pious duty of all persons, the burial of the poor was not a matter of great concern

²⁰⁶ For public funerals in Rome and the West, see: Gabriele Wesch-Klein, *Funus publicum. eine Studie zur öffentlichen Beisetzung und Gewährung von Ehrengräbern in Rom und den Westprovinzen* (Stuttgart: Franz Steiner, 1993).

²⁰⁷ The importance of burial is seen in the mention of a *senatus consultum* within regulations of a society for Diana and Antinous at Lanuvium dated to 136 CE that allowed the *tenuiores* (lower classes) to meet once a month in *collegia* to make burial plans (*CIL* XIV, 2112=*ILS* 7212).

²⁰⁸ Just. Nov. 43.pr: ‘*Quoniam cura est nostrae potentiae nostrorum subiectorum et viventium et defunctorum, ut neque sepulturae eis graves sint neque damnosae his qui ex defuncti sunt domo, propterea et circa sepulturas eorum competentem disposuimus modum.*’

²⁰⁹ For ‘pagan’ almsgiving, see Anneliese Parkin, “‘You do him no service’: an exploration of pagan almsgiving,” in *Poverty in the Roman World*, Margaret Atkins and Robin Osborne, edd. (Cambridge: Cambridge University Press, 2006), 60-82.

within Roman philosophy or religion.²¹⁰

The business of undertaking and funeral direction in Rome and Italy during the Republican and early imperial period reflected the Roman belief in burial as a private financial burden, so that this business was staffed largely by private or contracted workers who were not employees of the state.²¹¹ Funeral workers were contracted to dump abandoned bodies in *puticuli* (burial pits), dispose of corpses in times of crisis, and bury the executed and the *noxii* (condemned convicts), many of whom appear to have received little more than a *puticulus* (pit), a place on a mass pyre, or perhaps a modest amphora marking their gravesite. As Donald Kyle notes, “ancient cemeteries show that the kingdom of the dead was not an egalitarian realm.”²¹² In Rome, those who died without a burial plan were typically anonymous in death, without a memory to be carried into posterity—an appalling sentence to any Roman.

2.1 The burial of the poor in Rome

Modern estimates approximate the number of deaths just in the city of Rome—with a population between 750,000 to a million persons—at around 40,000 per year.²¹³ This means that from 100 BCE to 200 CE, Rome had to accommodate around 12 million corpses—either cremations or inhumations—and thus used funeral workers to dispose of around 110 bodies

²¹⁰ Cf. pseudo-Quintillian, *Decl. Mar.* 5.6.

²¹¹ As Polybius notes, throughout Italy and the empire, there were a vast number of contracts that the censors auctioned to contractors so as to perform a litany of services for the state—the construction of buildings, harbors, mines, land. As Polybius states: “in short, everything that forms a part of Roman power (‘συλλήβδην ὅσα πέπτωκεν ὑπὸ τὴν Ῥωμαίων δυναστείαν’)” (6.17.2).

²¹² Kyle, *Spectacles of Death*, 128.

²¹³ Bodel, “Death and Disease,” 128-9. Bodel (“From Columbaria to Catacombs,” 179) established that, combined with the suburbs, from the time of Augustus to Constantine there were between 10.5 and 14 million burials around Rome.



Figure 3.1: Map of the Oppian Hill, the Esquiline Region, and the Esquiline Gate (Lawrence Richardson, *A New Topographical Dictionary of Ancient Rome* [Baltimore: Johns Hopkins Press, 1992], 277; Fig. 62)

per day in times of good health. There is certainly evidence that disposal of these bodies was a problem. Beyond the Esquiline gate (Fig. 3.1), *cippi* were found that regulated the dumping of corpses in the *agger* beyond on the Servian Wall and forbade people from burning corpses there.²¹⁴ During the nineteenth century excavations in the area outside the Esquiline gate, many hundreds of pits containing human remains were found, each measuring about 1,000

²¹⁴ *CIL* I², 2981, *CIL* I², 838=*CIL* VI, 31614, *CIL* I², 839=*CIL* VI, 31615. Rodolfo Amedeo Lanciani, *Ancient Rome: In the light of recent discoveries* IV, 12th ed. (Boston and New York: Houghton, Mifflin and Company, 1888), 64.

feet long and 300 feet deep, indicating that the large *puticuli* (burial pits) cited by Varro and other authors were probably based in fact.²¹⁵ Lanciani noted the mix within these burial pits: “men and beasts, bodies and carcasses, and any kind of unmentionable refuse of the town was heaped up in those dens.”²¹⁶ Dying without a burial plan in Rome may have meant a spot in a mass grave or upon a pyre built to burn numerous bodies at the same time.

The *puticuli* were probably in heaviest use in the third and second centuries BCE, predominantly for burial of the urban poor; under Republican rule, the moat around the Esquiline was also filled with bodies, with about 24,000 corpses buried there.²¹⁷ After the Republican period, the transition to cremating the bodies of the indigent and abandoned meant that corpse disposal took up less space than the pits; however, these mass burials are important when considering the Roman attitude towards burying the poor. Hopkins remarked on these burial pits: “Most poor Romans left no memorial. ... This degrading mixture of human and animal corpses was a common fate for the very poor.”²¹⁸ Abandoned corpses never appear as an ethical dilemma for the Roman state: if you did not provide for your own burial through either family or burial association, it was not the state’s responsibility to ensure a proper burial.

The use of mass burial for the poor may not have been used solely in the city of Rome in antiquity. The new discovery of a mass burial of 115 individuals near Pydna (Fig. 3.2) in

²¹⁵ Hor. *Sat.* 1.8.11-15. Cf. Varro, *Ling.* 5.25; Strabo 5.3.7; Dion. Hal. 4.13.

²¹⁶ Lanciani, *Ancient Rome IV*, 65.

²¹⁷ See Bodel “Graveyards and groves,” 50. Note especially Graham, *The Burial of the Urban Poor*.

²¹⁸ Hopkins, *Death and Renewal*, 207-208.



Figure 3.2: Level B of the mass burial at Pydna (Bessios and Triantaphyllou [2005], Fig. 2)

Macedonia dating to the fourth century BCE is perhaps further evidence for the use in other areas of the ancient world, of mass burial much like the *puticuli* in Rome.²¹⁹ In addition to the common cemeteries, there were more haphazard methods of corpse disposal to be found in cities within the empire. Infant exposure was ubiquitous in Rome and the provinces—a fact exemplified by Tertullian’s retort that pagan Romans left their own children to die from cold, starvation, and even dogs.²²⁰ Besides pits, mass pyres, and exposure, another widespread means of ridding a city of errant bodies (and perhaps covering up one’s crimes)

²¹⁹ Manthos Bessios and Sevi Triantaphyllou, “A mass burial at fourth century BC Pydna, Macedonia, Greece: evidence for slavery?” *Antiquity* 79:305 (September, 2005), accessed on February 25, 2011, <http://antiquity.ac.uk/projgall/triantaphyllou/index.html>.

²²⁰ Tert. *Apol.* 9.7. For exposure and slavery, see Richard Saller, “Slavery and the Roman family,” in *Classical Slavery*, Moses Finley, ed. (London and Portland: Frank Cass, 1987), 82-110.

was the watery grave provided by urban rivers such as the Tiber.²²¹ These forms of burial of the Roman poor are therefore well known, but there is much left to examine about identity and status of the professionals who performed the disposals of the indigent and their relationship with the Roman state.

3. The Mortuary Trade in Rome and Italy

The inevitability of death created a persistent economic niche for funeral workers, one that, as I now investigate, involved notions of infamy, religion, and commerce.²²² The business could be profitable and, as with most privatized business lacking careful oversight, there was the potential for corruption. At Puteoli, there were strict guidelines for the association contracted to perform burials: an association was formed by the contractor and his *socius*, who oversaw at least 32 *operae* (workers) between 20 and 50 years of age—none bowlegged, one-eyed, maimed, or limping, according to the law.²²³ At least in the Republic, state funerals in Rome were conducted by government-contracted funeral workers. Valerius Maximus reports that after Aulus Hirtius and Gaius Vibius Pansa were killed at the battle of Mutina in 43 BCE, the undertakers who buried them (*‘qui libitinam exercebant’*) reduced the fee for their services and equipment to one sesterce. In regard to these undertakers, Valerius noted: “The condition attached to the contract adds to their credit rather than reduces it, in

²²¹ Gregory S. Aldrete, *Floods of the Tiber in Ancient Rome* (Baltimore: Johns Hopkins Press, 2007), 189-91.

²²² For economic opportunities created by death: Schruppf, *Bestattung und Bestattungswesen*, 228-38.

²²³ Cf. Bove, ‘Due iscrizioni da Pozzuoli e Cuma,’ 39; no.15; Maria Rosa Cimma suggests a *societas publicanorum* (*Ricerche sulle società di publicani* [Milano: A. Giuffrè, 1981], 156).

that those who lived for nothing but *quaestus* (profit) despised profit.”²²⁴ Valerius’ comment indicates that the senate had to contract the group of undertakers especially for the funeral, and he exhibits surprise that the undertakers reduced their fee. In the eyes of Valerius, it was not *pietas* that normally motivated undertakers, but *quaestus*.

The funeral of Hirtius and Pansa thus illustrates several aspects of the mortuary trade in Rome during the Republic and early empire: the lack of a state institution that oversaw all burials in the city, a stigma of disrepute surrounding funeral workers stemming in part from their perceived profiteering, and the contracting of private, associated workers by the state. Here I investigate the aspects of the mortuary trades that developed in Rome and in the Italian cities of Puteoli and Cumae in order to serve the municipal and popular demand for burials. First, I distinguish a spectrum of disrepute among funeral workers that stemmed from numerous social beliefs surrounding death and *pietas* in Roman society, and I inquire as to whether the state, by making burial a private rather than public expense, contributed to the stigma of commercialism that surrounded funeral workers. Second, I explore the ways in which funeral associations (e.g., *collegia* or *societates*) negotiated the business of death within Roman society, provided essential services to cities, and formed a node for the interaction of numerous associations.

There were likely numerous funeral workers involved directly in the handling of the dead in imperial Rome, both freedmen and slaves, and thousands more were involved in the sub-economy created by death, particularly the performers needed for funeral processions, the craftsmen who dug burial plots and made caskets, and epigraphers to inscribe epitaphs.

²²⁴ Val. Max. 5.2.10: *quorum laudem adiecta lege condicio auget magis quam extenuat, quoniam quidem quaestum contempserunt nulli alii rei quam quaestui viventes*. Cf. App. *Bell. Civ.* 10.76. The senate presumably paid for the funeral from the state treasury.

The headquarters for these professionals in Rome, the grove of Libitina, the goddess of death, was notably outside the *pomerium* of the city, beyond the Esquiline gate, and was the focal point for the mortuary trade that served Rome. Here, the funeral directors—referred to as *libitinarii*, *dissignatores*, or simply *mancipes*—could rent out persons or tools for large state funerals (as was the case with Hirtius and Pansa in 43 BCE) or smaller burials, as well as provide necessities for punishing one’s slave, e.g., torture tools or *carnifices* (executioners).²²⁵

The names of the deceased would be entered onto a *ratio* (list) of those who had died—a service performed by a secretary at the grove’s *schola* (clubhouse)—and then the carriers of the *lectica funebris* (funeral bier) or the *sandapila* (a modest bier used to transport the poor) would be sent into the city at night in order to gather corpses and bring them out to be prepared for burial.²²⁶ As sources such as Varro and Seneca illustrate, these funeral workers performed a necessary, professional service for cities in Rome and Italy. However, their necessity was not reflected in their social status. As I illustrate below, it was Roman perceptions of corpse pollution and of *pietas* that rendered these workers disreputable in Roman society, and placed them outside the communities they served.

4. Pollution and the Status of Funeral Workers

Roman municipalities recognized that funeral workers were necessary for maintaining

²²⁵ *Libitinarii*: Juv. *Sat.* 8.175; Mart. 8.76.14-5; Petr. *Sat.* 78.6. A *Manceps* is a general term for someone under contract to do something, but is a term used to denote the head of the undertakers at Puteoli (*AE* 1971, 88). Cf. *CIL* VI, 8455 for an epitaph of a *manceps* who managed bronze workshops and struck silver. Cf. Bodel, “Dealing with the dead,” 136-8.

²²⁶ The grove was probably near the Porta Esquilina and Esquiline cemetery (cf. “lucus Libitinae,” in *A New Topographical Dictionary of Ancient Rome*, ed. Lawrence Richardson [Baltimore: Johns Hopkins University Press, 1992], 235). Establishment of the grove: Plut. *Numa*, 12.1. Lists of the dead: Dion. Hal. 4.15.5; Suet. *Ner.* 39.1. A *ratio* of the dead was a practice reportedly instituted by Servius Tullius to aid in the census, and literary evidence suggests that this accounting continued at least into the first century CE.

the hygiene and religious health of the city in which they worked; however, their continual interaction with the dead appears to have made them at least a temporary danger to the rest of the populace.²²⁷ Their interaction with the dead, whether in providing a proper burial to notable Romans (e.g., Hirtius and Pansa) or in disposing of the bodies of the indigent (e.g., within the *puticuli* of the Esquiline), polluted them. As demonstrated in the passage from the *lex Libitina* of Puteoli that introduced this chapter, Romans viewed corpse carriers and executioners as persons who could not live within the confines of the city.²²⁸ At Puteoli, the polluted nature of these workers was indicated by red caps, and was contained by making workers live outside the city walls and work at night.

Those polluted by death were contagious; they could not perform sacrifices or participate in certain public rituals, a fact exemplified by the rumor that Tiberius was unhappy that Germanicus went back to bury the dead years after the disaster in the Teutoberg forest, since: “A general invested with the augurate and its very ancient ceremonies ought not to have polluted himself with funeral rites.”²²⁹ In accordance with the Roman perception of the corpse, funeral workers in Rome, Puteoli, and elsewhere were marginalized by the communities they served, and denied participation within the civic sphere. Although these persons have been previously recognized as outcasts of Roman society, I depart from the major works on these funeral workers by first discerning a spectrum of disrepute among

²²⁷ The Twelve Tables (ca. 450 BCE) forbade bodies to be buried or cremated inside the city (X.I), as does the charter from Urso (44BCE) (*ILS* 6087=*FIRA* I.177-98). Cicero (*De leg.* 2.23.58) says that it is because of fire. Scheid argues that building tombs within the city was not an impious act (“The formation of sacred law in Rome,” in *Religion and Law in Christian and Classical Rome*, ed. Clifford Ando and Jörg Rüpke [Stuttgart: Franz Steiner Verlag, 2006], 25-6), while Kyle sees the provision as stemming from “Roman religious concerns about pollution” (*Spectacles of Death*, 129).

²²⁸ See especially Hugh Lindsay, “Death-pollution and funerals in the city of Rome,” in *Death and Disease in the Ancient City*, Valerie M. Hope and Eireann Marshall, edd. (New York and London: Routledge, 2000), 152-73.

²²⁹ Tac. *Ann.* 1.62: ‘...neque imperatorem auguratu et vetustissimis caerimoniis praeditum adtrectare feralia debuisse.’

them, and secondly, by evaluating the possible effect of this stigma on social habits, particularly the epigraphic habit.

4.1 *The stigmatization of funeral workers in other cultures*

The disrepute that surrounded funeral workers in Roman society is evident within numerous other premodern societies and no doubt stemmed from the precarious position of these professionals within societies as a mediator between the living and the dead.²³⁰ In Achaemenian Persia, a Zoroastrian text called the *Videvdat* (law against the demons) lists the sixteen lands created by the god Ahura Mazda.²³¹ The text's instructions on how to cleanse a corpse-bearer indicate the pollution that those in contact with the dead were perceived to have contracted.

What is to be done with a corpse bearer? He is to be taken to a dry, desolate place without vegetation and put in a walled enclosure. Since he has had prolonged exposure to pollutants, people must bring him clothing and food but stay at least 30 paces away. They then pray "May he renounce every evil thought, evil word, and evil deed!" then he will be clean.²³²

As in Puteoli and ancient Persia, the separation of those dealing with the dead from the public is seen in numerous other cultures, as is the use of special clothing or insignia to warn others.²³³ Yet funeral workers were not the only professional class outcast by the societies

²³⁰ Anthropologists and historians have long noted the mediatory role of funeral workers. Arnold Van Gennep's *Les Rites of passage* (Paris: E. Nourry, 1909) is perhaps the most recognized anthropological example. Van Gennep argued for the undertaker as the ritual mediator between the here and there. For the idea of undertaker as mediator among ancient historians, see Valerie M. Hope and Eireann Marshall, "Introduction," in *Death and Disease in the Ancient City* (New York, London: Routledge, 2000), 6; Bodel ("Dealing with the dead," 135) cites the anthropological tenets of Malinowski.

²³¹ Although it cannot be dated with certainty, the *Videvdat* is usually dated to the Parthian periods, between the first and second centuries CE.

²³² *Videvdat* 3.15-21. Cf. Bruce Lincoln, *Religion, Empire, and Torture: The case of Achaemenian Persia, with a postscript on Abu Ghraib* (Chicago: University of Chicago Press, 2007), 83-84.

²³³ In 1603, the Great Court in Ipswich, England issued a decree that 'buriers' would be paid 16 pence and that: "[the buriers] shall remain in the house builded for them, they shall have their victuals and things

they served; they were often part of a larger, yet still marginal, community.

In medieval Japan, there was ostracism of ‘impure’ tradesmen—tanners, floor-mat weavers, undertakers, tomb caretakers, and executioners—who populated a caste.²³⁴ In early modern Germany, undertakers and gravediggers were among the professions of *unehrlichen Leuten* (dishonorable people) who were often denied membership in journeymen guilds and who could be denied the power to serve as guardian or heir, take an oath, prosecute another in court, or even prove their innocence.²³⁵ The rejection of gravediggers by the journeyman guilds illustrates the struggle waged by early modern guilds to establish a clear demarcation between moral and immoral trades, much in the manner that Rome did during the Republic. The development of this “guild morality” among German cities’ journeymen associations—themselves civic symbols that marched in processions, held religious services, and established contracts with the local councils—placed gravediggers outside the civic sphere.²³⁶ The marginalization of groups of funeral workers from reputable society is then common throughout history. Moreover, these infamous tradesmen, whether in the Persian Empire, medieval Japan, or early modern Germany reflect the social *mores* of their culture.

The stigmatization of funeral workers is similarly evident within Roman society, wherein those involved in the business of death suffered numerous social, political, and legal

brought them with their daily wages, and when they go abroad in town in pursuit of their duties, they shall carry white wands or rods in their hands so as to be known from other men.” Joseph P. Byrne, *Daily Life During the Black Death* (Westport, CT: Greenwood Press, 2006), 102.

²³⁴ In medieval Japan, the status of those in defiled trades was called ‘*eta*’. Cf. Emiko Ohnuki Tierney, *The Monkey as Mirror: Symbolic transformations in Japanese history and ritual* (Princeton: Princeton University Press, 1987), 75-100.

²³⁵ Werner Danckert, *Unehrliche leute. die verfeimten Berufe* (Bern: Francke, 1963), 9-20; 50-56; Kathy Stuart, *Defiled Trades and Social Outcasts: Honor and ritual pollution in early modern Germany* (Cambridge: Cambridge University Press, 1999), 103-105.

²³⁶ Mack Walker, *German Home Towns: Community, estate and general estate, 1648-1871* (Ithaca: Cornell University Press, 1998), 98-107. Isabel Hull notes that guilds emphasized ritual and honor and were instrumental to the creation of moral codes. The driving feature of guild morality was exclusion (*Sexuality, State, and Civil Society in Germany, 1700-1815* [Ithaca: Cornell University Press, 1996], 42).

disabilities in the Republican and early imperial periods. As I will now examine, the level of disrepute was commensurate with the degree of direct contact that the funeral worker had with the corpses. Lower level workers such as *lecticarii* (bier carriers) and *pollinctores* (morticians) appear to have incurred the most disrepute from their polluting contact with the dead and to have incurred *infamia*; yet, as the tabula from Heraclea indicates, the *libitinarius* and *dissignator* perhaps incurred a less severe level of disrepute due to their decreased level of direct contact with corpses. Moreover, the disrepute surrounding funeral workers can be further envisaged by examining the use of servile workers in particular as the preferred laborers that came into direct contact with the deceased and prepared them for burial.

4.2. *Servile Funeral Workers in Rome and Italy*

Slaves could perform various jobs within the funeral association and were used as musicians, bier-carriers, executioners, and morticians. Petronius speaks of the slave of a *libitinarius*, who is (ironically) proclaimed by Petronius as the most respectable man at Trimalchio's party.²³⁷ In the rehearsal of Trimalchio's funeral, the slave began to play a funeral dirge with his trumpet, and was louder than the *cornicines* specially called in for the occasion. The passage reflects the social perception of the slave, but another facet that has gone relatively unnoticed is that, although he was the slave of a *libitinarius*, he played the trumpet. Perhaps the slave was not himself an undertaker, but was either a slave musician employed by the *libitinarius* or was both a musician and an undertaker—two services that would have been needed for funerals. Yet another essential task within a funeral association was that of bier-carrier. Martial mentions four *inscripti*, slaves who had been branded, who

²³⁷ Petr. Sat. 78: 'Unus praecipue servus libitinarii illius, qui inter hos honestissimus erat, tam valde intonuit, ut totam concitaret viciniam.'

were carrying a body to be thrown on a mass pyre.²³⁸

Slaves were also employed as executioners in Rome and throughout the provinces during the Republic and empire; men whom Cicero believed should be far removed ‘*a corpore civium Romanorum*.’²³⁹ For instance, when the city council of Minturnae had determined that Marius be put to death, a *servus publicus* (public slave)—in this case a prisoner of war sold into slavery—was chosen to carry out the sentence, and in Thessalonica in 304 CE, the slave Zosimus served as executioner to Christians who refused sacrifice.²⁴⁰ Municipal councils may have carried out sentences of capital punishment using public slaves, but a *servus privatus* could have been employed, in Puteoli for instance, to serve as a *carnifex* in carrying out the executions of other slaves. It is likely that in Rome and other urban centers in Italy and the empire, slaves did predominate as lower-level funeral workers and executioners within many *societates*—but this does not mean that we should discount the importance of these persons or the niche they filled within the urban fabric.

These slaves were the property and responsibility of the head of the *societas*, and it was his job to oversee them. An entry in the *Digest* indicates that *libitinarii* throughout the empire were held legally responsible for the actions of their slave workers. The Augustan jurist

²³⁸ Mart. 8.75.9. *Inscripti* were slaves branded usually because they had misbehaved or tried to escape. It is unclear why these slaves were branded, but perhaps the life of an enslaved bier-carrier was something they wished to escape from.

²³⁹ Cic. *Pro Rab.* 16: “But the executioner, and the veiling of the head, and the mere name of the gibbet, should be far removed, not only from the civic body of Roman citizens --from their thoughts, and eyes, and ears” (‘...*carnifex vero et obductio capitis et nomen ipsum crucis absit non modo a corpore civium Romanorum sed etiam a cogitatione, oculis, auribus*.’).

²⁴⁰ Marius: Vell. Pat. 2.19.3; Plut. *Mar.* 39; Zosimus: *Martyrium Sanctarum Agapae, Irenae, et Chionae* 5.8-6.2 (Herbert Musurillo, *The Acts of the Christian Martyrs* [Oxford: Clarendon Press, 1972], 290) The *servi populi Romani* were under the control of municipal councils and could serve as an executioner, attendant in temples, as an accountant, or in other public service jobs. Cf. Noel Lenski, “*Servi Publici* in Late Antiquity,” in *Die Stadt in der Spätantike - Niedergang oder Wandel?*, Jens-Uwe Krause and Christian Witschel, edd. (Stuttgart: Franz Steiner Verlag, 2006), 344-45; Alexander Weiss, *Sklave der Stadt: Untersuchungen zur öffentlichen Sklaverei in den Städten des Römischen Reiches*. Historia Einzelschriften no. 173 (Stuttgart: Franz Steiner Verlag, 2004), 114-16.

Labeo stated that if a *libitinarius*, who the Greeks call a νεκροθάπτας’ has employed a slave to wash the body (a *pollinctor*) and that slave robs the corpse, then the *libitinarius* is responsible.²⁴¹ Whether law is reflective of the social reality or not, the Roman elite often appear suspicious of slaves. Yet this slave labor was essential to both the urban economy and the mortuary trade of many Roman cities. As non-Romans, *servi* were already perceived to lack the civic allegiance and values of a Roman *civis*. Labeo’s entry in the *Digest* typifies the fact that, as persons already marginalized by the Roman state and reduced to commodities, slaves were perhaps the optimal labor source for funeral associations.

4.3 *The status of the dissignator in Roman law*

The *Digest* supports the position of the director, the *dissignator*, above that of lower-level actors and actresses, and also indicates the elevated status of some *dissignatores* due to their connection to the imperial house by the second century CE. The Hadrianic jurist Celsus maintained that *dissignatores*, called *brabeutas* in Greek, did not practice the *ars ludicra*—a term used to refer to those *infames* involved in theater or games—because they performed a public service, were not actors, and were employed by the emperor.²⁴² While they were still disreputable to a degree, it appears that Celsus attempted to maintain their social elevation above common, *infamis* theatrical performers. Because the *dissignator* did not directly touch a corpse or personally perform on stage, he was a mediator rather than a direct participant and likewise received a lesser degree of disrepute. Yet, even though *dissignatores* and other

²⁴¹ Ulp. *Dig.* 14.3.5.8. Ulpian is referring to Labeo, the Augustan-era jurist. ‘*Idem ait, si libitinarius, quos Graece νεκροθάπτας vocant, servum pollinctorem habuerit isque mortuum spoliaverit, dandam in eum quasi institoriam actionem, quamvis et furti et iniuriarum actio competeret.*’

²⁴² Cel. *Dig.* 3.2.4.1: ‘*Designatores autem, quos graeci brabeutas appellant, artem ludicram non facere Celsus probat, quia ministerium, non artem ludicram exercent. et sane locus iste hodie a principe non pro modico beneficio datur.*’

funeral directors did not engage directly with corpses, there was an added stigma of profiteering that surrounded the Roman mortuary trade with which those within it also had to contend. The Roman perception of *quaestus* (profit) was negative, as was the thought of profiting off of another's misfortune.²⁴³

The financial success of a *collegium* of Libitina depended on the number of burials that it undertook, and literary sources, such as Seneca, indicate a suspicion that funeral workers may have hoped for death.²⁴⁴ Thus there was an added stigma attached to funeral workers as profit seekers. Whereas familial burials were an act of piety, these professionals—as Valerius observed—were perceived to value *quaestus* rather than *pietas*. The disdain for those striving for *quaestus* was glimpsed at in the discussion of Horatius Balbus' cemetery given to the city of Sarsina, which dictated that disreputable tradesmen that worked for profit ('*quei quaestum spurcum professi essent*') were not allowed in the cemetery.²⁴⁵ The contempt for profit-based services within Roman society certainly added to the disrepute of funeral professionals.

As I have shown, the stigmas that surrounded funeral workers—both at the lower and upper levels—affected the social stature of these individuals; however, an additional question to be posed is: did they have an effect on their epigraphic habit? For example, it would be inappropriate for funeral workers to employ dedicatory inscriptions to Libitina—a key source of evidence for *collegia* and frequently used in order to ask a deity for increased grain or good wealth for ships (i.e., the god's specialty). Should these men ask for more death so that

²⁴³ Cf. Cic. *De Off.* 1.42.

²⁴⁴ Sen. *De Ben.* 6.38.1: "In some states an evil wish was regarded as a crime. It is certain that at Athens Demades obtained a verdict against one who sold equipment for funerals, by proving that he had prayed for great gains, which he could not obtain without the death of many persons" ('*In quibusdam civitatibus impium votum sceleris vicem tenuit. Demades certe Athenis eum, qui necessaria funeribus venditabat, damnavit, cum probasset magnum lucrum optasse, quod contingere illi sine multorum morte non poterat.*').

²⁴⁵ *CIL* XI, 6528.

they might prosper? Certainly the literary evidence suggests that the populace thought of the associations dependent on Libitina as profiteers, but this taboo is perhaps the reason we lack dedicatory inscriptions that could provide key evidence for the association. Similarly, there is a dearth of inscriptions for private tax *publicani*, despite the fact that numerous *equites* turned a profit as a *mancipes* overseeing tax collectors in the provinces. Like tax publicans, funeral workers within Roman society carried a stigma that may have resulted in the omission of their employment on their epitaphs in favor of more socially respected accomplishments; yet, as I will now show, the funeral economy and the funeral director were a social and economic crossroad within Roman society.

5. The Role of the *Dissignator* in Roman Society

The numerous aspects that played a part in a funeral—the buying of the burial space, the gravestone, the procession, the bier carriers, the mourners, the musicians, the gravediggers, the sacrifice—needed a coordinator. Funerals appear to have been handled by funeral directors connected with multiple *collegia*. These *dissignatores* played an essential role in funerals and entertainment in Rome and Italy, but they continue to remain relatively unknown—despite the essential services they provided. The Roman funeral was a spectacle that made the employment of criers, actors, musicians, and gladiators essential.²⁴⁶

Gladiatorial spectacles had their origin in the Roman funeral, and the procession itself could consist of a mix of musicians, athletes, gladiators, paid mourners, and dancers.

²⁴⁶ See especially Harriet Flower, *Ancestor Masks and Aristocratic Power in Roman Culture* (Oxford, Clarendon Press, 1996), 91-127.



Figure 3.3: Sarcophagus depicting a funeral procession.
(Alinari, Florence. L'Aquila, Museo d'Arte Nazionale d'Abruzzo).

Perhaps the best representation of an upper-class Roman funeral procession can be found on a late first century BCE relief from Amiternum, Italy (Fig. 3.3).²⁴⁷ The relief depicts a deceased person lying on a bier carried by eight attendants and flanked by nine mourners, two (possibly hired) female mourners, four flautists, and three horn players. A *dissignator* is depicted directing the funeral attendants and orchestrating the procession (second to the right of the deceased). Yet much remains to be examined in regard to the role of this director. Beyond the disreputable status of the *dissignator*, what was his function and significance in Roman society?

Given the scant literary and epigraphic evidence concerning the *dissignatores*, it is admittedly difficult to define the exact role of the *dissignator* within Rome and Italy—a fact

²⁴⁷ Funeral procession relief from Amiternum: *L'Aquila, Museo d'Arte Nazionale d'Abruzzo* (Alinari, Florence). Cf. Toynbee, *Death and Burial*, pls. 10,11. Horace notes the role of the *dissignator*: "If you would have me live well and in perfect health, the indulgence which you grant me, Maecenas, when I am ill, you will grant me when I am afraid of being ill [as well]: while during the first figs, and the heat graces the undertaker with his black attendants; while every father and mother turn pale with fear for their children." (*si me uiuere uis sanum recteque ualentem,/ quam mihi das aegro, dabis aegrotare timenti,/ Maecenas, ueniam, dum ficus prima calorque/ dissignatorem decorat lictoribus atris,/ dum pueris omnis pater et matercula pallet.* Hor. *Ep.* 1.7.3-7.).

evidenced in the modern scholarship on the professional. Flower has pointed out the role of the *dissignator* in arranging for musicians and actors to be part of the funeral procession, and she further noted that an actor would have played the deceased in the procession.²⁴⁸ Gardner has also noted the various roles of *dissignatores*: assigning seats at the theater, acting as a referee in games, and serving as funeral director; however, she stops short of fully explaining their impact within Roman society.²⁴⁹ It is Bodel who recognizes the elevated status and significance of the *dissignator*, proposing that his role as funeral director may have been parlayed into theater-ushering later on. However, it is Schruppf's assertion that *dissignatores* may have continued to work within the theatrical and funeral spheres that provides the basis for my own argument.²⁵⁰ Considering the evidence for the *dissignator* as a corporate head—rather than a mere usher—allows for the constructed boundaries between the funeral and theatrical economies to break down. Moreover, I point to the economic and social significance of the *dissignator* as a nodal point within Roman society, and demonstrate how the position may have served as a social vehicle for freedmen.

5.1 Associative relationships and the *dissignator*

A first century BCE sepulchral inscription found on the Via Labicana (Fig. 3.4), near the Porta Maggiore in Rome, reveals the social hierarchy and possible connections that an association might have with a *dissignator*. In it, a *synodos* of Greek *cantores* within a larger *societas* venerates their patron, a *designator* named Maecenas.

Belonging to the *societas* of Greek actors who are in this *synodos* (company), out of their common fund. Maecenas Mal..., son of Decimus, a *designator*, and patron of the

²⁴⁸ Flower, *Ancestor Masks*, 1999, 99-100; 116.

²⁴⁹ Gardner, *Being a Roman Citizen*, 131-4.

²⁵⁰ Schruppf, *Bestattung und Bestattungswesen*, 260-4.

company approved it. Marcus Vac[ci]us Theophilus, freedman of Marcus and Quintus Vibius Simus, freedman of Quintus, chairman of the company of D[ec]umiani, superintended the purchase of the site for the tomb and its construction. Lucius Aurelius Philo, freedman of Lucius, chairman for the seventh time of the company of the association of Greek actors and those who are members of this association, superintended the restora[t]ion from his own funds.²⁵¹

The inscription is from a sepulcher within the complex reserved for the Statilii family, who later owned the first stone theater in Rome in 29 BCE.²⁵² The patron of the *societas*, the *designator* Maecenas, financed the monument and the *magestreis*, the freedmen Marcus Vaccius Theophilus and Quintus Vibius Simus, acquired the property and had the tomb constructed. Later, the tomb was restored by the members of the association, as led by Philo, a freedman *magister* of the Greek actors and the other members of the *societas*. Aside from the questions that the inscription raises, it is significant in that it typifies the layers of hierarchy and patronage between associations, infers other members (‘*quique in hac societate sunt*’) besides the Greek singers within a larger *societas*, and provides evidence that associations of funeral workers and theatrical troupes took on a burial function—as most *collegia* did for their members. The network of associations within the Statilii complex perhaps indicates the role of the *dissignator* as a contractor involved in both funeral and theatrical events, and displays the various power dynamics, business ventures, and social connections within the broader business of death.

²⁵¹ Appendix II.7. Translation: Lynda Garland and Matthew Dillon, *Ancient Rome: From the early Republic to the assassination of Julius Caesar* (Abingdon and New York: Routledge, 2005), 333; n.6.52.

²⁵² Cf. Kinuko Hasegawa, *The Familia Urbana During the Early Empire*, BAR International Series 1440 (Oxford: Archaeopress, 2005), 92-107; Maria L. Caldelli and Cecilia Ricci, *Monumentum familiae Statiliorum: un riesame* (Rome: Quasar, 1999).

The separation of *dissignator* into either a theatrical or funeral context appears to be a modern one. Friggeri notes that the patron Maecenas: “had to be a powerful figure in this profession and served as the assignor of seats (*dissignator*), obviously in theaters.”²⁵³



Figure 3.4: Inscription of the Association of Greek Actors at Rome (Photo: *Corpus Inscriptionum Latinarum*. Berlin, Brandenburgische Akademie der Wissenschaften)

Friggeri does not configure the various other roles that the *dissignator* could play, and other commentators have also presumed the theatrical rather than funeral function of Maecenas the *dissignator*. However, like the false dichotomy drawn by modern scholars between funeral and non-funeral *praecones*, the inscription does not specify.²⁵⁴ While being a theatrical

²⁵³ Friggeri, *Baths of Diocletian*, 62.

²⁵⁴ William J. Slater, “Mimes and *mancipes*,” *Phoenix* 59.3/4 (Fall-Winter, 2005), 319. Rüpke notes that Maecenas was *either* a “Zeremonienmeister bei Bestattungen oder Platzanweiser im Theater” (Jörg Rüpke, *Fasti sacerdotum: Die Mitglieder der Priesterschaften und das sakrale Funktionspersonal römischer, griechischer, orientalischer und jüdisch-christlicher Kulte in der Stadt Rom von 300 v. Chr. bis 499 n. Chr. Teil 2: Biographien* [Stuttgart: Franz Steiner Verlag, 2005], 938; n.1437).

organizer may have been a primary function of Maecenas' office, it is not altogether 'obvious' that this is the full job description for him. His stature within the inscription as a patron of a wealthy acting troupe would perhaps put him in the position of a *manceps*—that is, he could rent his troupe out for games he helped to organize, overseeing the seating chart at Roman spectacles, or he could perhaps perform as the funeral *dissignator* and use his *cantores* within the funeral procession. Maecenas approved the site for the burial monument, and the freedmen Theophilus and Simus—the chairs of the *decumiani* (perhaps a board of overseers within the larger *societas*—oversaw the people in charge of buying the plot, the construction of the monument, and perhaps its upkeep. Maecenas' job appears to have been much more dynamic than that of a wealthy usher, but his connections with numerous *collegia* may have been internal as well as external. He would have interacted personally with numerous associations, and the internal structure of his own *societas* indicates many sub-sets within the broader business he patronized.

Maecenas represents the top of the collegial order as *dissignator* and patron. However, there was certainly a large hierarchical structure within the association as a whole for freedmen to aspire to, including positions as the heads of the *decumiani*, the members of the *decumiani*, and *magister* of the *synodos*. The singers were likely to be slaves, rented out as a troupe for theatrical performances and perhaps funerals; but with dedication and service, they could perhaps aspire to attain their freedom and then move up through the association's offices. Although Friggeri has seen the *synodos* as synonymous with *societas* in the inscription, the synod is perhaps a sub-association within a larger *societas*, as inferred by Philo's note that he was a *magister* for the seventh time for both the synod and those who

were ‘*in hac societate*.’²⁵⁵ This begs the question: who else was in this broader *societas*? It would be speculative to try to identify other sub-associations within this larger business association, but we can perhaps infer from the existence of caretakers who oversaw the *columbarium* complex, as well as from other inscriptions within the tomb of the Statilii as a whole that many other groups were available to be rented out as funeral workers and to serve the Statilii in a funeral function too.

Apart from the internal status within an association, it appears that the position of *dissignator* of the imperial house was an outlet of honor to attain much like the position of *sevir Augustalis*. As previously noted, Celsus indicates the elevated status of some *dissignatores* within the empire and their connection to the imperial house by the second century CE.²⁵⁶ These imperial *dissignatores* were in charge of the numerous spectacles put on by the emperor and, as such, performed a public service. Such an imperial *dissignator* is cited on a statue base from Nomentum (Fig. 3.5):

Gnaeus Vettius Globulus, *dissignator* of the Caesars and overseer
of the cult of Hercules the Victor and a *sevir Augustalis*²⁵⁷

The large marble statue and inscription proudly state Globulus’ association with the imperial house, and his religious offices; however, the role of the imperial *dissignator* is never fully delineated. Furthermore, there is no description of the imperial *dissignator* that confines him only to the theatrical sphere. Since actors and actresses were needed for funerals of the imperial family as well as in the games and spectacles that the emperor patronized, it is possible that the imperial *dissignator* was an organizer for both events.

²⁵⁵ Friggeri, *Baths of Diocletian*, 62.

²⁵⁶ Cel. *Dig.* 3.2.4.1.

²⁵⁷ Appendix II.15.



Figure 3.5: Statue of Globulus the *dissignator* (LMentana 51).

Certainly someone within the imperial house was in charge of the entertainment patronized by the emperor for the enjoyment of the populace and for the massive funeral spectacles and processions organized to commemorate deaths within the imperial family. To be a *dissignator* of the imperial family was apparently a position worth advertising. As we saw among the *praecones Augusti* in the previous chapter, links with the imperial house added prestige to a position, and they are similarly articulated in epitaphs for members of the *familia Caesaris* and other persons associated with the imperial household. Furthermore, since Globulus was also a *sevir Augustalis*, he was most likely to have been a

freedman, a fact that may have also contributed to his choice of commemoration. As I will now demonstrate, freedmen frequently became *dissignatores* and proclaimed their position through a quintessentially Roman manner: epitaphs.

5.2 Freedmen *dissignatores*

Near the Esquiline gate in Rome was an open area called the Esquiline forum. As explained earlier, the Esquiline neighborhood was a notorious area filled with the clubhouses of tradesmen, athletes, and those involved in the business of death and entertainment. An elite within the neighborhood is cited on a plaque (Fig. 3.6) commemorating a freedman, who served as a *dissignator* and *magister vici* (overseer of the neighborhood).

Lucius Cornelius, freedman of Lucius, Philargurus
Fannia Asia, freedwoman
Fannia Sura, freedwoman, her mother
Publius Aquillius Aprodissius, freedman of Publius and Fannia,
dissignator and overseer of the neighborhood in the Esquiline forum
Fannia Helena, freedwoman.²⁵⁸

The plaque was found outside the Porta Maggiore, near to where Aprodissius was honorifically assigned as a *magister vici*, and serves as evidence that a slave who may have started as a funeral worker—perhaps a *vespillo* or a *pollinctor*—could socially ascend. Aprodissius would become a *dissignator* and then go on to become one of the annually elected *magistri vici*—a position established by Augustus, and one chosen from among the non-equestrian and non-senators within Rome.²⁵⁹ While not definitive evidence, the

²⁵⁸ Appendix II.1.

²⁵⁹ These officials oversaw the *Lares Compitales* of each *vicus* (Ov. *Fast.* 5.146). There were 265 *vici* established by Augustus, and each *vicus* had a shrine. For other inscriptions of *magistri vici*, see: ILS 5615; 6077.

inscription supports the employment of freedmen as *dissignatores*, and helps to construct a possible *cursus honorum* available to funeral workers.



Figure 3.6: Plaque of the freedman *dissignator* Publius Aquilius Aprodissius

We cannot know what Publius Aprodissius' profession was before *dissignator*, but it is apparent that he was first the slave of a citizen named Publius and his wife, Fannia, and then continued to have relationships with the *liberti* of his former masters, while also ascending socially from *dissignator* to *magister vici*. The relationship between a freedman and his patron was legally binding, and freedmen often continued to practice the numerous trades they engaged in as slaves. The strong ties between a freedman and his patron are evident in a graffito from Pompeii, dating to around 70-9 CE. It cites a certain *dissignator* named Sabinus, who appears to have been the freedman of the prominent Pompeii aristocrat Marcus Sabinus:

I ask you to elect Marcus Epidius Sabinus as *duovir iure dicundo*. He is worthy. Vote for the defender of the colony on the decision of the sacred judge, Suedius Clemens, and the consent of the decurial order, because of his merits and his probity, and because he is worthy to the community. Sabinus, the *dissignator*, does this with applause.²⁶⁰

Sabinus the *dissignator* is likely the freedman of Marcus Epidius Sabinus, and as a faithful client to his *patronus*, he was out stumping for him: a key function for freedmen, as Quintus tells his brother Cicero in his pamphlet on electioneering at Rome.²⁶¹ It is easy to imagine a use for a *dissignator* client such as Sabinus; he was a freedman, and could thus engage in unsavory commercial activities such as the renting of his patron's gladiators or the throwing of games; he could also perhaps handle the lavish funeral parades of the Sabini. While the patrons of some of these freedmen could have then been the heads of a *societas* that provided funeral and theatrical services, freedmen were perhaps used as the intermediaries, dependent upon their patrons for capital.

Apart from illustrating the ties between a patron and his or her freedmen, the inscription of Publius Aprodissius demonstrates the ability of *dissignatores* to socially ascend from *dissignator* to a higher position. In Aprodissius' case, he became a *magister vici*, overseeing the Lares Compitales in an area essential for funeral services and entertainment. By becoming a *magister* of a neighborhood within Rome, Aprodissius had climbed the social order—a fact he proclaimed with this inscription—and thus the freedman *dissignator* exemplifies a habit already recognized among the freedman *praecones*: the use of epigraphy as a means to proclaim new status. As I have previously shown, the epigraphic habit was strong among the freedman community, and the culture of epigraphic commemoration among Roman *liberti* perhaps accounts for the relatively high number of *dissignator*

²⁶⁰ Appendix II.10.

²⁶¹ *Comment. pet.* 29.

inscriptions, as compared to the lower-level funeral workers, who appear to have often been slaves.

Lower-level funeral workers likely did not wish to advertise their position in the same manner that the freedmen *dissignatores* wished to proclaim their office. Unlike some servile bier carriers and executioners who remained slaves, freedmen *dissignatores* were men who had socially ascended from servitude, to citizenship, to social position, and wished to memorialize this climb with their epitaphs.²⁶² This epigraphic habit is apparent among freedman *dissignatores* in Rome, such as the aforementioned Aprodicius, but it is also evident in the epitaphal evidence for *dissignatores* outside Rome. Titus Servius Clarus, a freedman *dissignator* from Corduba (Fig. 3.7) in the province of Baetica, announced his profession and freedman status on his epitaph.



Figure 3.7: Epitaph of Titus Servius Clarus, a freedman *dissignator* from Baetica (Appendix II.11. Universidad de Alcalá, Imágenes-CIL II², PH.10597).

Maureen Carroll comments upon the apparent widespread eagerness among freedmen to commemorate themselves in a public, Roman manner: “Freedmen had greater need for

²⁶² Cf. Paul Zanker ‘Grabreliefs römischer Freigelassener,’ *JbDAI* 90 (1975), 267-315; Maureen Carroll, “Social mobility and social change,” in *Spirits of the Dead: Funerary commemoration in Western Europe* (Oxford and New York: Oxford University Press, 2006), 233-59.

legitimacy than the freeborn, because there were fewer ‘respectable’ avenues for social improvement open to them in life.”²⁶³ Their strong epigraphic habit can be viewed as a visible insecurity, a struggle to establish their position within Roman society and a need to proclaim this position to posterity, as we saw in the case of the *praeco*, Olus Granus, in Chapter Two.

The *dissignator* epitaphs indicate that there was a social ladder among funeral and theatrical professionals, and that outlets of honor were still available in the form of positions such as *magister vici*. These outlets helped freedmen especially to define their personal identities and to attain status, even if they were considered civically disreputable. Epitaphs certainly indicate the elevated position of *dissignatores*, but it should be kept in mind that men such as Aprodsius and Sabinus are surely the exception rather than the rule. As the *lex Libitina* from Puteoli illustrates, for every overseer, there were dozens of lower-level funeral workers that remained largely at the bottom of the Roman social order.

6. Conclusion

Although mortuary workers were an integral part of an economy and associative network predicated upon the funeral, nonetheless, in Rome, Italy, and in other parts of the Roman empire, they were relegated to an existence outside the civic bounds due to Roman social and religious conventions surrounding death pollution, and the stigma of profiteering attached to the trade. The broader funeral economy was largely constituted by professionals considered disreputable under Roman law—actors, actresses, musicians, gladiators, and funeral workers—but it was a dynamic market, wherein associations interrelated and

²⁶³ Carroll, “Social mobility,” 247.

provided services to all levels of Roman society. A pivotal position within this funeral economy was held by the *dissignator*, who served to organize both funerals and theatrical events. Furthermore, while the position of *dissignator* was still considered disreputable—as the *tabula Heracleensis* demonstrates—the position was not *infamis*; in fact, it provided opportunities for social mobility, especially among the freedmen population. As I will now examine through the case study of Egypt, the status and role of funeral workers within the Roman empire could and did vary outside of Italy. Furthermore, I will contend that, in the same manner that attitudes towards the poor and the body helped to determine the status of funeral workers in Roman law, in Egypt deep-seated *mores* and religion helped to determine the status of the necropolis workers.

Chapter 4

Burial and the Mortuary Trade in Egyptian, Jewish, and Early Christian Societies

The late fourth century *Historia Monachorum in Aegypto* chronicles the life of an Egyptian monk named Paternuthius, who, prior to his conversion to Christianity in the fourth century, was a νεκροτάφος Ἑλλήνων ὑπάρχων.²⁶⁴ A νεκροτάφος was an Egyptian necropolis worker, whose duties often included transporting a corpse to the tomb, burying it, and possibly guarding the burial area.²⁶⁵ The *Historia* recounts how Paternuthius, intending to rob an anchoress, yet unable to find a way into her house, fell asleep on the roof.²⁶⁶ A regal man appeared to Paternuthius in a dream and told him to stop spending his time around tombs (‘περὶ τοῦς τάφους’), and instead to transform his life to one of virtue by becoming a Christian. Following the vision, Paternuthius converted to Christianity and became a devout ascetic, known for visiting the sick, dressing the dead, and burying his fellow monks.

Although he performed many of the same mortuary duties that he had prior to his conversion,

²⁶⁴ *HM.* 10.3. The author of the original Greek text is unknown. At the beginning of the fifth century, the text was translated by Rufinus into Latin. Rufinus translated Paternuthius' profession as a '*sepulcrorum violator*' (*Historia monachorum sive de vita sanctorum patrum*, 9.2.1). For the Greek text: André-Jean Festugière, ed. *Historia Monachorum in Aegypto. Edition critique du texte grec et traduction annotée* (Brussels: Société des Bollandistes, 1971), 76-85. For the Latin text: Eva Schulz-Flügel, ed. *Tyrannus Rufinus, Historia monachorum sive de vita sanctorum patrum*. Patristische Texte und Studien 3 (Berlin: Walter de Gruyter, 1990), 311-22.

²⁶⁵ Cf. Tomasz Derda, "Necropolis Workers in Graeco-Roman Egypt in the Light of Greek Papyri," *Journal of Juristic Papyrology* 21 (1991), 13-36. A νεκροτάφος "of the Greek elite" assumedly indicates that Paternuthius was in charge of necropolis reserved for the Greek elite.

²⁶⁶ *HM.* 10.4.

his former infamous employment was transformed into sacred service by renouncing luxury and piously burying the followers of Christ.

1. Introduction

The story of Paternuthius is significant in demonstrating numerous aspects of fourth century Egypt and early Christianity: the types of mortuary workers employed within Egypt, the social perception of these professionals, and the focus on the provision of burial within early Christianity. In the previous chapter, I indicated the ways in which the status of funeral workers in Rome and Italy in fact reflected Roman cultural beliefs concerning the private onus of burial and death pollution. In this chapter, I move outside Roman Italy, in order to consider other funeral workers and mortuary practices within the empire: the necropolis associations active in Greco-Roman Egypt, and the Jewish funeral workers employed at Beth She'arim in Roman Palestine. In doing so, I provide a broader appraisal than currently exists in the scholarship focused on the funeral workers that functioned within the Roman empire. Furthermore, I continue to assess the ways in which religious beliefs helped to determine the status of these funeral workers.

First, in my study of the Egyptian necropolis workers, I investigate the mortuary specialists that lived within the necropoleis of Greco-Roman Egypt. I maintain that, while these persons were relegated to living quarters outside urban centers, they had a greater position in Egyptian culture than their Roman counterparts. This was due to their significant role in Egyptian religion as facilitators of the afterlife. These workers differ further from Roman funeral workers: in the gender diversity within the necropolis trade—there were both female and male necropolis workers within Egypt—and in the fact that necropolis positions

were hereditary, forming a complex and viable community for these workers within the necropolis itself.

Following my exploration of Egyptian necropolis workers, I turn to Roman Palestine in order to investigate the evidence for Jewish funeral workers and the mortuary trade active within Beth She'arim. Moreover, I attempt to show the economic and social implications of the Jewish belief in the provision of burial to all—including the poor, the indigent, and even criminals. This belief is in contrast to the Roman method of disposing of errant bodies, which, as it has been established, was sometimes effected through mass graves or large pyres. I use the Jewish evidence for the provision of burial in order to show an alternate view of the poor; however, the Jewish belief in providing burial for all helps to explain the antecedents of the Christian focus on the burial of the poor. A final section explores how early Christian beliefs regarding the corpse and the burial of the poor facilitated a change in the status of funeral workers within Christian communities. I show the role of the life of Christ as a model for these new attitudes, and I indicate the role of martyrology and hagiography—such as Paternuthius—in reinforcing these beliefs. Moreover, I recognize the ordination of funeral workers within some early Christian churches—a topic that will be elaborated upon in Chapter Five.

2. The State of Scholarship

In respect to the evidence from Egyptian necropoleis, there has long been a fascination with the craftsmen who carved out the pyramids of pharaohs and protected the

royal dead.²⁶⁷ The necropolis of Deir el-Medina has been of particular interest in Egyptian scholarship, since the site preserves both inscriptions of the necropolis workers there, and their tombs, which include large, colorful paintings depicting scenes from the Book of the Dead. Yet considerably less attention has been given to the Greco-Roman necropolis workers throughout Egypt, and even less to the mortuary specialists—embalmers, mummy wrappers, and buriers—active in this period.²⁶⁸ A great stride towards an expanded survey of these professionals was undertaken by Tomasz Derda, who has published an excellent preliminary study of necropolis workers in Greco-Roman Egypt.²⁶⁹ While Derda has begun to establish the various specializations and roles of these necropolis workers, there has been little insight into their associative habits, and evidence for these necropolis workers remains to be contextualized within the broader evidence for funeral workers within the Roman empire. A central question that remains is: how did the status and position of necropolis workers within Egyptian society differ from that of their counterparts in Rome, Puteoli, and Cumae?

In regard to Jewish funeral professionals, necropolis workers at Beth She'arim have recently received attention as part of a larger attempt to use the mortuary trade at this Palestinian necropolis in order to envisage how the Jews in Rome bought and sold spaces in the catacombs.²⁷⁰ A brief, yet significant article by Zeev Weiss is particularly innovative in demonstrating the social aspects of burial at Beth She'arim and in proposing that, while

²⁶⁷ Cf. Bernard Bruyère and Charles Kuentz, *Tombes thébaines: la nécropole de Deir el-Médineh* (Cairo: Institut français d'archéologie orientale, 1926); Leonard H. Lesko, ed. *Pharaoh's Workers: The villagers of Deir El Medina* (Ithaca: Cornell University Press, 2004).

²⁶⁸ For the Greco-Roman evidence, see Dominic Montserrat and Lynn Meskell, "Mortuary archaeology and religious landscape at Graeco-Roman Deir el-Medina," *JEA* 83, (1997), 179-97.

²⁶⁹ Tomasz Derda, "Necropolis workers in Graeco-Roman Egypt in the light of Greek papyri," *JJP* 21 (1991), 13-36. Also note Françoise Dunand and Christiane Zivie-Coche, *Dieux et hommes en Egypte: 3000 av. J.-C. 395 apr. J.-C.: anthropologie religieuse* (Paris: A. Colin, 2001).

²⁷⁰ Margaret H. Williams, "The organization of Jewish burials in Ancient Rome in the light of the evidence from Palestine and the Diaspora," *ZPE* 101 (1994), 165-82.

burial caves were likely family-owned, burial societies may have sold these burial areas and taken care of mortuary services.²⁷¹ My interest in the largely epigraphic evidence for Jewish funerary associations, and in the indications for a mortuary trade at Beth She’arim, leads me to reiterate the ways in which tradesmen reacted to the mortuary rituals within the communities that they served. Moreover, I augment the current perception of mortuary workers in the Roman empire, which, while it reflects Rome and Italy, does not probe the status and role of mortuary workers in the rest of the empire.

Éric Rebillard has contributed much to the understanding of the importance of burial to early Christian identity. Though I am unable to share his views concerning the ordination of funeral workers in the early Church, the evidence that he presents for the strong focus on resurrection and the burial of the poor within early Christian writing is impressive.²⁷² As I illustrate in this chapter, the evidence for Egyptian, Jewish, and Christian necropolis workers signals that they shared both similarities and differences with their counterparts in Italy; however, each group serves as a reflection of the *mores* and ideologies of the society they worked within. Here, I lay the groundwork for understanding how shifts in ideology could potentially affect the social and economic status of funeral workers, the central theme of Chapter Five.

3. Funeral Workers and Necropolis Associations in Roman Egypt

As with most hagiographical texts, Paternuthius—whose conversion began this chapter—served as a didactic tale for Christians, preaching the virtues of asceticism and the

²⁷¹ Zeev Weiss, “Social aspects of burial in Beth She’arim: archaeological finds and Talmudic sources,” in *The Galilee in Late Antiquity* (Cambridge: Harvard University Press, 1992), 357-71.

²⁷² Éric Rebillard, *The Care of the Dead in Late Antiquity* (Ithaca: Cornell University Press, 2009). See especially: 89-122.

power of *μετάνοια* (repentance) to redeem persons. Apart from the Christian lessons to be derived from Paternuthius, the text is significant in indicating further the disreputable perception of funeral workers in Roman society. In the Latin version of Paternuthius' life, Rufinus translates νεκροτάφος—a word used in the Greek papyri simply to denote a necropolis worker—as '*sepulchorum violator*', a tomb robber. While Rufinus is likely unfamiliar with the technical terminology for Egyptian necropolis workers, his translation also hints at the cloud of profiteering and disrepute surrounding funeral workers within Roman culture.²⁷³ However, as I will now contend, it does not appear as though Egyptians in fact stigmatized necropolis workers to the degree that Roman society did. Millennia before the subjugation of Egypt by Rome, communities of necropolis workers cultivated and secured the cities of the Egyptian dead, and performed an important social and religious function in facilitating and securing passage to the afterlife.

Egyptian necropolis associations were highly structured: they conferred internal status on their members, provided opportunities for position, and appear to have been lucrative societies.²⁷⁴ These communities of necropolis workers included families, and the vocation itself appears to have been hereditary. Egyptian necropoleis could employ hundreds of workers, craftsmen, and artists who lived on-site—often in the oases reserved for the cities of the dead—and who were responsible to a head priest. Like the *operae* at Puteoli, the

²⁷³ Gascou has pointed out that Rufinus' initial mistranslation of the term νεκροτάφος to be a tomb raider or bandit has perpetuated the idea that Paternuthius was a tomb raider before becoming a monk (Jean Gascou, 'La vie de Paternouthios moine et fossoyeur (Historia Monachorum X),' *Itinéraires d'Égypte. Mélanges offerts au père Maurice Martin S.J.* [Cairo: Institut français d'archéologie orientale, 1992], 107-14). A translation of the Greek text is found in: Norman Russell, trans. *The Lives of the Desert Fathers: The Historia Monachorum in Aegypto* (Kalamazoo, Michigan: Cistercian Publications, 1981), 82-7. Note that Russell also mistranslates νεκροτάφος as 'tomb robber.'

²⁷⁴ The contracts and land transfers that survive indicate a large amount of property and income earned by many of these necropolis workers. Cf. Michel Chauveau, *Egypt in the Age of Cleopatra: History and society under the Ptolemies*, David Lorton, trans. (Ithaca: Cornell University Press, 2000), 138.

necropolis workers within Egypt lived in separate communities, often along the peripheries of the necropolis, and were sometimes referred to, even in Late Antiquity, as ἑζωπυλίται—‘those outside the gates’.²⁷⁵ Just as the funerary workers within Rome and Italy were deemed disreputable, Egyptian necropolis workers were similarly considered outliers within Egyptian culture. However, there is a distinctly religious character surrounding them that is far less evident among the funeral workers in Rome and Italy, and that elevated necropolis workers in Egyptian society.

3.1 The Egyptian mortuary trade

Within Roman and Egyptian communities, mortuary associations were often a product of outsourcing burial duties to professionals, rather than the alternative: family members doing it themselves. As in Roman culture, the financial obligation for burial in Egyptian society was on the family.²⁷⁶ Yet, possibly due to the complexity of Egyptian mortuary rituals, mortuary associations—capable of performing the necessary embalming procedure and the subsequent inhumation—developed to serve the demand. Mortuary professionals were valued within Egyptian culture for their proper performance of these death rituals, ones integral to Egyptian perceptions of the afterlife; the administration and oversight of this seminal trade were established early in Egyptian history. An inscription frequently found on Egyptian coffins refers to the significance of the embalming and funeral rituals in separating one’s *ba* (soul) and the corpse, so that the *ba* could live on in the afterlife: “Your *ba* to the sky, your corpse to the netherworld, your statues among the praised

²⁷⁵ *BGU I*, 34=P. Charite 36.

²⁷⁶ David Frankfurter, *Religion in Roman Egypt: Assimilation and resistance* (Princeton: Princeton University Press, 1998), 73.

ones.”²⁷⁷ Mortuary workers were responsible for facilitating this afterlife. Thus on the one hand, the mortuary cult was essential to the “domestic religion,” and was a place where the God Osiris and Egyptian afterlife mythology intermixed in one local sphere. On the other hand, as inscriptions show, the corpses themselves were normally considered to be putrid and smelly.²⁷⁸ Those who worked with the dead then played an important part in the mortuary cult and Egyptian religion, but were still marginalized from Egyptian cities for their direct contact with these polluting corpses.

In terms of specialization within the trade, in Egypt the burial of the dead involved two steps: the embalming of the body by *ταριχεύται* and the interring of the mummy in a tomb, practices made widely known by Herodotus, who noted the labor specialization in embalming.²⁷⁹ Mummy labels also provide evidence for these persons, and often address the undertaker in order to give him directions on the burial.²⁸⁰ The embalming was performed by professional embalmers who, together with their lower-status assistants called *παρασχίσται* (cutters), embalmed the body for a customer, and then gave the body over for burial within collective or individual tombs looked after by minor priests alternately called *χοαχύται* (libation pourers) or *ἐνταφιασταί*, who lived near the necropoleis.²⁸¹ The funeral trade was practiced by highly specialized businessmen (and businesswomen)-priests within Egypt, and these priest-professionals handled all aspects of burial; however, as in Roman society, terms

²⁷⁷ Adriaan de Buck, *The Egyptian Coffin Texts II* (Chicago: Oriental Institute Publications, 1938), 185; a-b.

²⁷⁸ Rune Nyord, *Breathing Flesh: Conceptions of the body in Egyptian coffin texts* (Copenhagen: Museum Tusulanum Press and CNI Publications, 2008), 342-3.

²⁷⁹ Cf. Herod. 2.85-89. Herodotus noted that there were men who only embalmed corpses: ‘εἰσὶ δὲ οἱ ἐπ’ αὐτῷ τούτῳ κατέαται καὶ τέχνην ἔχουσι ταύτην’ (2.86.1).

²⁸⁰ Jan Quaegebeur, “Mummy Labels: An Orientation,” in *Textes grecs, démotiques et bilingues*, Ernst Boswinkel and Pieter W. Pestman, edd., *Papyrologica Lugduno-Batava* 19 (Leiden: Brill, 1978), 237-51.

²⁸¹ Embalmers are mentioned first by Herodotus (2.85-89) and then by Diodorus (1.91).

for these priests could be localized and ambiguous.²⁸² Occupational lists indicate the demotic for an embalmer in one area was *wty*, and there were certainly regional variations in job descriptions. The rituals, as well as the professionals involved in the burial of the dead, were highly entrenched within Egyptian society; even amid the spread of Christianity, Egyptians continued to embalm and bury their dead in the customary way.

Papyrological evidence indicates that the necropolis workers in Egypt were perhaps less legally vulnerable than those in Rome and Italy, and that they formed a tight-knit community of both male and female necropolis workers. A fragment of a marriage contract from Oxyrhynchus dated to the third century CE joined together two ἔνταφιασταί in the presence of two other embalmers there to serve as witnesses:

For Good Fortune. Aurelia Kyrilla, daughter of Isidoros, her mother being Sinthonis, from the city of Oxyrhynchus, has given herself to Aurelius Pasigonis, son of Paeis(?), his mother being Taues, from the same city, both being embalmers (ἔνταφιασταί)...They established this agreement with each other in the presence of the Aurelii Diogas, son of Diogenes, and Sarapion, son of Paulinus, both of the same...²⁸³

The contract indicates the hereditary caste system among priests within Egyptian society that perpetuated a class of funeral workers, so, too, does a papyrus from the Kharga Oasis dated to between 305 and 306 CE—during the reign of Constantius and Maximian. This papyrus preserves the divorce contract between two necropolis workers (νεκροτάφοι) who lived and worked in the large necropolis at Kysis:

²⁸² Willy Clarysse and Dorothy J. Thompson, *Counting the People in Hellenistic Egypt: Historical studies II* (Cambridge: Cambridge University Press, 2006), 183.

²⁸³ *P. Oxy.* 49.3500.1-12: ἀγαθῆ τύχη. ἐξέδοτο ἑαυτὴν Αὐρηλία Κύριλλα Ἰσιδώρου μητρὸς Σινθώνιος ἀπ’ Ὀξυρύνχων πόλεως Αὐρηλίῳ Πασιγώνει Παεῖτος μητρὸς Ταυήτος ἀπὸ τῆς αὐτῆς πόλεως, ἀμφοτέροι ἐνταφιασταί. συμβιού-/ τωσαν οὖν ἀλλήλοις οἱ γαμοῦντες φυλάσ-σοντες τὰ τοῦ γάμου δίκαια. ὁ δὲ [γαμῶ]ν καὶ ἐπιχορηγ[εῖ]τω τῇ γυναικὶ τὰ δέοντά πάντα κατὰ δ[ύ]γαμιν. ἐστάθη δὲ ἐν ἀλ-/ [λ]ήλοις μεταξὺ(*) [Αὐ]ρηλίῳ Διογᾶτος Διογέ-/ [νους] καὶ Σαραπ[ί]ωνος Παυλείνου ἀμφ[ο]-/ [τέρ]ων συνομοφ[ύ]λων...’

...Soulis, necropolis worker (νεκροτάφος) of the toparchy of Kysis, to Senpsais, daughter of Psais, her mother being Tees, gravedigger from the same (toparchy), greetings.

Since it has happened by means of some evil demon that we have separated from each other (in respect to) our marriage, therefore I, the aforementioned Soulis, acknowledge that I know that I have been paid back...²⁸⁴

In terms of gender, it is notable that, whereas in Rome and Italy we have no evidence for women as funeral workers, in Egypt women appear to have lived and worked within necropoleis; as these documents illustrate, men and women often intermarried and even divorced, all with the necropolis community.

Numerous other contracts involving funeral workers, such as the *χοαχύται*, indicate the status of many necropolis workers as that of priest. These contracts illustrate that these priesthoods were often hereditary, and that land could be passed from one worker to another in order to maintain the family business. An earlier papyrus (305/4 BCE) from Memphis preserves a contract wherein an aunt makes a pseudo-sale to her niece, Hedjenpaouni, in order to provide her with the income from the upkeep of tombs originally under the control of her mother, father, and grandmother within a necropolis in Memphis.²⁸⁵ The pseudo-sale and the divorce proceedings of Soulis and Senpsais—when considered with the extant business contracts, judicial records, and accounting receipts for these funeral workers—indicate a degree of litigiousness characteristic of much of Roman Egypt, but they may also point to a greater judicial respect for these necropolis workers than in Roman Italy. These contracts are evidence that although these funeral workers were excluded from the civic

²⁸⁴ *P. Grenf. 2.76*: 'Σοῦλις νεκροτάφος τοπαρχίας Κύσε[ως] / Σενψάϊτι(-) θυγατρὶ(-) Ψάϊ(-)τος ἐκ μητρὸς Τεοῦς νεκροτάφης(-) / ἀπὸ τῆς αὐτῆς χαίρειν. ἐπεὶ(-) ἔκ τινος πονηροῦ δαίμο- νος συνέβη αὐτοῦς ἀπεξεῦχθαι ἀλλήλων τὴν κοι- νὴν αὐτῶν συνβίωσιν, ἐντεῦθεν ὁμολογῶ ὁ μὲν ὁ προκειμένος Σοῦλ(ις)- ' πεπληρωμένος πάν- / των τῶν παραδοθέντων...'

²⁸⁵ *P. Brux. Dem. 1*, p. 14-5.

sphere, they had more protection than those corresponding *infamis* workers in Roman society. Their ability to turn to legal recourse is perhaps a lesson that, while these men and women were outliers, the conferment of some legal rights may have fostered economic growth and given them greater social standing within Egyptian society.

A key question is why there emerges a legal and social deference to these necropolis workers in Egyptian society. Religion appears to be essential in explaining this phenomenon. While the Roman *libitinarius* was associated with the goddess of death, Libitina, documents such as the *tabula Heracleensis* indicate that, in general, funeral directors did not derive status from their role, nor was it a priestly position. Meanwhile, in Egypt, the workers themselves appear to have had a strongly religious connection, as the name of a group of necropolis workers from the Siwa Oasis—νεκροστολιστάι—implies.²⁸⁶ A stolist was a priestly adorer of divine images, and so these (we may imagine) were priests responsible for caring for and adorning mummies. Frankfurter notes that professional mortuary guilds had a strong religious function and may not have greatly differed from other religious associations.²⁸⁷ There was a heightened religious character to Egyptian necropolis associations not apparent within Roman culture; furthermore, there is no evidence that Egyptians viewed these workers as profiteers in the same manner that Roman writers sometimes portrayed funeral workers.

It is perhaps a testament to the centrifugal nature of burial rituals within Egyptian society and religion that these ancient customs continued, even amid the spread of Christianity and the encouragement of Christian burial conventions. As Dunand has noted: “until a very late period, Egyptian people were buried with the same rituals that had been

²⁸⁶ Derda, “Necropolis Workers,” 21-2.

²⁸⁷ Frankfurter, *Religion in Roman Egypt*, 73.

elaborated in much older times.”²⁸⁸ The burial continuity that extended into Late Antique Egypt was partially facilitated by the fact that both Christianity and Egyptian culture put great emphasis on the inhuming of the dead, the preservation of the body, and the afterlife. A ‘Christianized’ Egypt took root slowly and was not uniform throughout the province—much to the annoyance of Constantine.

In terms of the onus of burial in Late Antique Egypt, the burden still remained predominantly on the family—an often-heavy obligation as the empire suffered increased economic hardship. Thomas notes that it was then, more than ever, the duty of the family to undertake burial arrangements for loved ones.²⁸⁹ Yet, as in Rome, there appears to have been a problem with determining exactly who was responsible for burying the bodies of the indigent in Egyptian cities. For instance, a letter of Dionysius, preserved in Eusebius, complained that the Nile was constantly filled with murdered corpses and drowned bodies.²⁹⁰ Although Egypt was not as economically traumatized as other parts of the Late Antique empire, the epidemics and violence of the third century, meant that while there remained a familial duty to bury the dead, there was an increasing lack of funds—among the lower classes especially—for carrying out this pious duty. As we will investigate in a later section, it is perhaps this struggle that made the Christian belief in the provision of burial to all an attractive one.

²⁸⁸ Françoise Dunand, “Between tradition and innovation: Egyptian funerary practices in late antiquity,” in *Egypt in the Byzantine World, 300–700* (Cambridge University Press, 2007), 163-84.

²⁸⁹ Thelma K. Thomas, *Late Antique Egyptian Funerary Sculpture: Images for this world and the next*. (Princeton: Princeton University Press, 2000), 50.

²⁹⁰ Eus. *HE*. 7.21: “And [the Nile] is always polluted with blood, murders, and drownings, as when it turned to blood and stank for Pharaoh at Moses’ hand” (‘αὐτὸ δὲ αἷματι καὶ φόνοις καὶ καταποντισμοῖς κάτεισιν μεμιασμένος, ὁῖος ὑπὸ Μωσῆ γέγονεν τῷ Φαραῶ μεταβαλὼν εἰς αἷμα καὶ ἐποξέσας’).

4. Burial and the Mortuary Trade in Jewish Communities

Jews' beliefs in pollution and corpse impurity meant that, as in Rome and Egypt, their cemeteries were set outside towns and cities. When a member of a family died, kinspeople were expected to carry the deceased on a bier to the gravesite, where diggers were hired to hew the tombs into the rock, and then to cover the space with a slab or stela that could be inscribed or decorated.²⁹¹ The dead were buried predominantly in either *loculi* or catacomb graves. Archeological evidence from the necropolis at Leontopolis on the Nile Delta, Alexandria, and other parts of Egypt indicates that the communities of Jews there observed many of the same burial styles as those in Palestine—a fact that once again indicates the centrifugal role of burial ritual in defining identity.²⁹² While Jewish individuals dealt with Egyptian necropolis agents to buy burial property and often assimilated epigraphic fashions (such as the use of verse), they maintained many of the burial customs mirrored in Palestine, such as a favoring of inhumation, the hewing of *loculi*, and the use of certain decorative motifs, such as the menoroth, on lamps, ossuaries.²⁹³

As I now examine, there were many similarities between the mortuary trades in Jewish communities, and those evident in Rome, Italy, and Egypt. In regard to burial clubs, there is evidence for the use of associations to handle the burial of the dead in Jewish communities, in a manner similar to the associations we have already examined in Roman

²⁹¹ For the use of kinspeople as pallbearers in Jewish funerals, see Joseph. *Cont. Ap.* 2.205.

²⁹² David Noy, "The Jewish communities of Leontopolis and Venosa," in *Studies in Early Jewish Epigraphy*, J.W. van Henten and Pieter W. van der Horst, edd. (Leiden: Brill, 1994), 162-82.

²⁹³ David Frankfurter, *Pilgrimage and Holy Space in Late Antique Egypt* (Leiden, Boston, and Köln: Brill, 1998), 126-129.

and Egyptian society.²⁹⁴ Moreover there is evidence for an active mortuary trade in Jewish necropoleis. Death created a strong demand for mortuary professionals—e.g. cemetery overseers, ossuary makers, painters, and guardsmen—in Jewish communities, and archaeological evidence and inscriptions from the Jewish cemetery at Beth She’arim exemplify this economy. Though there were many similarities with their Roman and Egyptian counterparts, I argue that ideological differences concerning the burial of the poor distinguish Jewish communities from these cultures and would influence early Christian attitudes toward the poor.

4.1 Associations and the care of the dead in Jewish communities

Inscriptions from Jewish communities indicate the use of mortuary associations to handle the burial of the Jewish dead. A papyrus from the first century BCE provides evidence that burial societies met in Jewish synagogues, and it appears to record the minutes of a meeting that discusses the association of ταφιασται, the undertakers in Egyptian necropoleis.²⁹⁵ A third century inscription from Acmonia in Roman Phrygia records the donation by a Jewish family of burial tools to a local association called the ‘Neighborhood of the First Gate’:

Aurelius Aristeas, son of Apollonius, bought fallow land from Marcus Math[i]os...

His children, Alexander and Callistratos built (this tomb) for their mother and father in remembrance promising (it) to the Neighbourhood of the First Gate, ([γ]ειτοσύνη τῶν προτοπυλειῶν) and giving (as) implements, two two-pronged forks and a shovel and a digging spade, on condition that each year they

²⁹⁴ “Developing and running a large urban cemetery was not something of which the early leaders of the Roman Jewish community will have had any experience... So how did the Jews of Rome go about acquiring this know-how? The most likely answer is that they simply observed and copied what the Romans did.” (Williams, “The organization of Jewish burials,” 177-78).

²⁹⁵ *CPJ* 1.138.

deck with roses (the tomb of) my wife Aurelia...²⁹⁶

The inscription states that Aristeas bought the tract of land upon which the familial tomb was built and handed it down to his children. His children in turn handed over the care of the tomb to an association located in the γειτόσυνος (neighborhood) of the city near the First Gate. Although the purpose and the membership of the association are uncertain, Trebilco has proposed that this was in fact a burial association, i.e., a group formed specifically to insure the burial plans of its members, to which Alexander and Callistratos entrusted the care of the family tomb.²⁹⁷

As we have seen with regard to Roman voluntary associations, many associations supplied a burial function to their members (among other services), though it may not be correct to call them burial societies. However, Trebilco's assertion certainly provides a viable explanation for the function of the association at Acmonia. It would also provide further evidence that burial societies themselves often employed their own funeral workers to bury deceased members. Yet another possibility is that the "Neighborhood of the First Gate" was an independent association of funeral workers—including workmen who would have used the donated forks and spade—located near the First Gate of the city. Although the name itself indicates it was perhaps a neighborhood association, workers in the association would have been paid not only to inhumate the dead and protect ossuaries, but also to maintain the upkeep on tombs by, for instance, decking it with roses. Much in the way that the funeral workers

²⁹⁶ REG II (1889) 23.2=MAMA VI, 208.A.1-10; B.1-10: [Αὐτ. Ἀ]ριστέας [Ἀπολ]-λωνίου ἠγόρα-/σεν ἀργὸν τόπον/ παρὰ Μάρκου/ Μαθ[ι]-...κατεσκευάσαν τὰ τέ-/ κνα αὐτοῦ Ἀλέξαν-/δρος καὶ Καλλίστρα-/ [τ]ος μητρὶ καὶ πατρὶ/ [μνήμ]ης χάριν./ ὑποσχόμενος τῆ/ [γ]ειτοσύνη τῶν προ[ω]-/ τ Οπυλειτῶν ἄρμ[ε]-/ να δικέ[λ]λα[τα]/ δύο κα[τ]ὰ μῆν[α(?)]/ καὶ ἀ[γ]ωγῶ[ν] ὄρου[κ]-/ τόν, ἔδωκεν/ ἐφ' ᾧ κατὰ ἔτος ῥ[ο]-/ δίσωσιν την σύμβ[ι]-/ ὄν μου Αὐρηλίαν.' Trans: Paul R. Trebilco, *Jewish Communities in Asia Minor* (Cambridge: Cambridge University Press, 1991), 78-79.

²⁹⁷ Trebilco, *Jewish Communities*, 79-80.

living in the area just outside the city gates of Rome, Puteoli, and Cumae did, there is some evidence to support the notion that funeral workers in Jewish areas formed commercial associations dealing in the business of death

4.2 *The mortuary trade at Beth She'arim*

Within Jewish society, burial was traditionally held to be the responsibility of the family members of the deceased, and thus usually a private expense. The bodies of the dead in Jewish regions such as Jericho and Jerusalem were often given burial in a family's tomb—typically hewn into the side of a hill or underground in a place outside the city, and consisting of a chamber with a rock pit floor and spaces (*loculi*) for sarcophagi or ossuaries.²⁹⁸ These burial areas were, by Jewish law, mandated to be outside the city walls, and they became more heavily populated with the growth of cities.²⁹⁹ Following the first century Diaspora, the use of Jewish burial societies (similar to the modern *hevra qadisha*) and the contracting of funeral workers to handle the funeral arrangements and inhuming of the body appear to have become more popular. It appears that, the pressure on the family to undertake all aspects of the funeral began to decrease, as Jews moved to more urban areas with a mix of funeral practices and services to offer.³⁰⁰

Jews in larger cities such as Rome were frequently buried in clustered *loculi* often intermixed with Christian and pagan burial units, and they would have likely used the same

²⁹⁸ For the types of burial tombs during the Second Temple Period, see Rachel Hachlili, *Jewish Funerary Customs, Practices, and Rites in the Second Temple Period* (Leiden: Brill, 2005), 55-72.

²⁹⁹ The 'Temple Scroll' found among the Dead Sea Scrolls stipulated that these burial areas remain outside the city walls and that lepers, the sick, and menstruating women have their own designated areas to ward off pollution (IIQT=IIQ19.48-9).

³⁰⁰ Weiss, "Social aspects." See also: Rachel Hachlili, *Ancient Jewish Art and Archaeology in the Diaspora* 1.35 (Leiden, Boston and Köln: Brill, 1998), 308-309 and Williams, "The organization of Jewish burials," 174.

services, such as the *libitinarii* who rented out men and tools from the Esquiline; they also had to engage with the *fossores*, the real estate brokers of the catacombs.³⁰¹ Like Roman cemeteries, Jewish cemeteries in the East were outside of the city walls and would have required transference usually at night, followed by a procession with the family and mourners. Jewish burials still required gravediggers, bone collectors, professional mourners, and flute players; the excavators at the necropolis of Beth She’arim in southern Galilee note that the building of the cemetery required the involvement of quarrymen, stonecutters, and the artisans who decorated and inscribed the tombs and sarcophagi within the necropolis.³⁰² Just as in Rome, the planning of a funeral would have involved numerous associations of workers either directly or indirectly connected to the business of death.

As Weiss has pointed out, the necropolis at Beth She’arim provides the most extensive evidence for groups of Jewish funeral workers, organizations not mentioned in the Talmudic sources.³⁰³ Their omission is perhaps due to the traditional placement of the burial duty upon the family, but the discerning of funeral workers is again skewed, as with Roman epigraphic and literary sources, by the cross-cultural tendency to euphemize the names for funeral workers and to avoid discussing their unclean line of work. An inscription from the Beth She’arim synagogue cites two workers within the necropolis and their possible connection with it.³⁰⁴ The inscription has a menorah overtop it and advertises: “Rabbi Samuel, the one who prepared the corpse for burial, and Judah, who laid out the corpse.”

³⁰¹ Williams, “The organization of Jewish burials.”

³⁰² Weiss, “Social aspects,” 362-63; Binyāmîn Māzār, *Beth She’arim I, Catacombs 1-4* (Jerusalem: Massada Press, 1973), 136.

³⁰³ Weiss, “Social aspects,” 362.

³⁰⁴ SEG XX, 441: Ῥιβ Σομ-/ωήλος συσ-/τέλλον(τος) κα/’Ιούδα κομ(ώντος). Cf. M. Schwabe and Baruch Lifshitz, *Beth She’arim II. Greek Inscriptions* (New Brunswick, N.J.: Rutgers University Press, 1974), 189-90.

Clearly there was a connection between the synagogue and the funeral association, but the dynamics are difficult to discern. Did the Rabbis show support for certain *loculi* sellers and undertakers to their congregation? Was Judah paid by the synagogue, or perhaps by a society like the ‘Neighborhood of the First Gate’?

Burials in Beth She’arim indicate that the elite class of Rabbis within Roman Palestine was given elevated status in death as well as in life, with special burial caves marked explicitly for them. These burial caves may have been bought by the synagogue for their Rabbis, and may also indicate a special relationship between the necropolis workers and the synagogue. As cemeteries in antiquity and today so often do, the necropolis at Beth She’arim personified the social hierarchy of Jewish society. Although Weiss has maintained that the workers within the funerary trade “worked independently of any urban institution or administrative office of the Jewish community,” it may be possible that, like in Rome, certain associations of funeral workers were contracted by the synagogue to handle the funerals of its members specifically.³⁰⁵

The wide variation in Jewish burial styles and materials—all within a single necropolis—is a notable aspect of the large necropolis at Beth She’arim.³⁰⁶ The necropolis served the Jewish population within Palestine but was also the central location for the bodies of Diaspora Jews sent from other places within the empire. Familial and public tombs were hewn into the hillside and formed a large complex of halls and catacombs with courtyards and elaborate entrances made to look like Roman architecture. Inside, the halls were filled with inscriptions in Greek, Hebrew, and Aramaic, as well as paintings, placed on hallways,

³⁰⁵ Weiss, “Social aspects,” 366.

³⁰⁶ For the importance of the site as evidence for religious life, see Tessa Rajak, “The Rabbinic dead and the Diaspora at Beth She’arim,” in *The Jewish Dialogue with Greece and Rome: Studies in cultural and social interaction* (Leiden, Boston, and Köln: Brill, 2000), 479-502.

troughs, pit graves, sarcophagi, *loculi*, and *arcosalia*.³⁰⁷ Sarcophagi were made of lead, marble, limestone, and even clay, and ranged from elaborately ornate spaces to simple burials. The variation in burial indicates the wide range of services that must have been made available to the patrons of the necropolis.

As was the case with Aurelius Aristeas in Acmonia, a family tomb would have been bought from the sellers of the *kokh* or *loculus*, and diggers paid to hollow it out of the rock. The sellers of these plots were perhaps also employing the painters and epigraphers who marked each tomb with ownership, or made signs giving directions to persons wandering through the hallways.³⁰⁸ The organization of the complex, as well as the epigraphic evidence for burial societies and workers to handle the digging and decoration of the graves, calls into question Samellas' assertion that it was specifically the immediate relatives who bought the burial space, constructed the tomb, and paid gravediggers and professional mourners.³⁰⁹ Evidence is lacking for these directors, but they were likely the same men who oversaw the selling of the burial plots and would have, I propose, similarly offered numerous services to the family of the deceased. While Jewish families still had the responsibility of paying for a funeral and tomb, all the mortuary services could now be farmed out to other associations explicitly established to deal with the dead and to ensure a proper Jewish burial.

Besides organizing and decorating the necropolis, there was also the matter of security. Prime real estate within Beth She'arim was coveted, and would have needed protection. In Acmonia, associations perhaps saw to it that graves went undisturbed, but it is

³⁰⁷ Cf. Nahman Avigad, *Beth She'arim III, Report on the excavations during 1953 - 1958: Catacombs 12 - 23* (New Brunswick, N.J.: Rutgers University Press, 1976).

³⁰⁸ Note Hachili, *Jewish Funerary Customs*, 172; n.2.

³⁰⁹ Antigone Samellas, *Death in the Eastern Mediterranean (50-600 A.D): The Christianization of the East: an interpretation* (Tübingen: Mohr Siebeck, 2002), 253.

clear that the care of the dead did not end with the placing of the body in the resting place or ossuary. The sanctity of burial and the deceased was of utmost importance throughout the empire, but protection—like the sarcophagus, the professional mourners, and the tomb itself—came at a cost. The care and security of the tomb must have been essential functions of necropolis associations—after all, who would want to bury their loved one in an area notorious for grave robbing? An imperial ordinance possibly from the first century CE indicates the gravity of moving or disturbing a body that had been placed in a tomb.³¹⁰ Those who tampered with a corpse would receive capital punishment within Palestine; grave tampering was an apparent problem both there and throughout the empire.

In terms of grave access, it is apparent that the persons closest to burial places (who would also profit most from selling a tomb twice over) were necropolis workers. Curses to ward off grave-tampering prevail in Jewish, Christian, and Roman epitaphs, and indicate the sanctity of burial while perhaps also serving to ward off greedy gravediggers. A Jewish inscription from Lycia warns that if someone violates the tomb, or if family members or others try to throw out the bones, then the violator would have to pay 500 denarii to the contractor of the place, as well as pay a fine to the imperial treasury, while also incurring a curse upon him and his children's children.³¹¹ Thus the inscription provides more evidence for a contracted overseer that watched over tombs. Like the ambiguous *manceps* of the Puteoli inscription, a μισθώτορς—presumably used to refer to a man hired to look over the graves—is a vague Greek term used simply to denote someone who has been contracted to do

³¹⁰ *SEG VIII*, 13. Cf. Pieter Willem van der Horst, *Ancient Jewish Epitaphs: An introductory survey of a millennium of Jewish funerary epigraphy (300 BCE-700 CE)* (Kampen: Kok Pharos, 1991), 159-60.

³¹¹ *IGR III*, 478. Cf. Johan H.M. Strubbe, "Curses against violation of the grave in Jewish epitaphs of Asia Minor," in *Studies in Early Jewish Epigraphy* (Leiden: Brill, 1994), 77-8, no. 13.

something.³¹² In Jewish, Egyptian, and Roman communities, the overseeing of tombs was then of central importance to those who paid to have themselves or their loved ones interred. The protection of a tomb was the final step in the services provided by funeral associations. As we have seen, these profited within Jewish communities such as Beth She'arim by providing an array of goods and services all centered around the care of the dead.

4.3 The burial of the poor in Jewish society

It is evident that the funeral workers at Beth She'arim were employed within a commercial enterprise that allowed Jewish families to provide a customary Jewish burial for their families as stipulated by Jewish law. Yet, from the first century onwards, the custom of familial burial became increasingly outsourced to independent contractors, especially in large necropoleis and urban areas where the services became available.³¹³ However, as I will now examine, a key divergence in Jewish communities was the belief in the provision of burial to all. Unlike the Roman treatment of abandoned bodies, in the absence of family members to supply a proper burial, unclaimed bodies within Jewish communities were provided a more substantial burial by designated funeral workers. Evidence from the Old Testament supports the use of associations of gravediggers in Jewish culture in order to bury unclaimed corpses, and Josephus reiterates a Jewish belief that burials should be given to all persons. I contend that it is within this Jewish belief in the provision of burial to all, that we can see the antecedents to Christian ideologies surrounding the poor, and thus begin to understand how,

³¹² Cf. The decree from 307/6 BCE for the repair of the fortification walls of Athens: *IG II²*, 463.119, 124.

³¹³ Avigad Nahman, *Beth She'Arim, report on the excavations during 1953-1958*. III. Catacombs 12-23 (New Brunswick : Rutgers University Press, 1976), 265.

in early Christian communities, mortuary workers attached to the Church began to be viewed as pious servants of God.

A prophecy within the book of Ezekiel states that a group of gravediggers would be formed that would take seven months to bury the dead in a cemetery specially designated for those slain in the army of Gog—likely in a valley east of the Dead Sea.³¹⁴ The passage is indicative of the Jewish belief in providing burial for all people, whether they were members of an invading army or executed criminals.³¹⁵ The Jewish buriers in Ezekiel were to be employed specifically for the purpose of burying the dead of an invading army and may have been contracted for that specific job, in the mode of the workers contracted on a large scale during periods of plague or famine in Rome. Although there is a specific focus on the involvement of the family in the burial of the dead in Jewish society, there is evidence for funeral workers involved in burying the bodies of poor, executed, or foreign persons within their community.

It has been presumed that Jewish necropoleis provided spaces for the poor within their burial areas.³¹⁶ Although dishonorable in that it lacked a familial tomb and proper mourners, the burial often given to criminals and abandoned corpses was still more dignified than “the unhappy *rogus* (pyre) receiving a thousand such” that Martial speaks of for cremating the poor in Rome.³¹⁷ A large number of burials lacking any epitaph on either stone, plaster, or in paint, perhaps indicate the burial of poor persons, although the lack of an

³¹⁴ Ezekiel 39:11-14.

³¹⁵ Deut. 21:22-23; 1 Kings 11:15. Evans notes that “For centuries on end Israelites and Jews had been burying their dead promptly, and burying their dishonored dead in shame, and these customs did not change much over time” (Craig A. Evans, *The Historical Jesus: Jesus’ mission, death and resurrection* III [London: Routledge, 2004], 259).

³¹⁶ David Noy, “Where were the Jews of the Diaspora buried?” in *Jews in the Graeco-Roman World* (Oxford and New York: Oxford University Press, 1998), 86.

³¹⁷ ‘...accipit infelix qualia mille rogas’ (Mart. Ep. 8.75.10). Cf. Bodel, “Graveyards and groves,” 114.

epitaph alone is not necessarily indicative of a person being destitute.³¹⁸ The Jewish community was certainly more concerned with the burial of the poor than Rome appears to have been, and its establishment of a social program to support its ideology on burial and the body is the precursor to the Christian care for the burial of the poor that we will explore in the next section.

In his commentary on the First Jewish Revolt, Josephus notes with disgust that the Idumeans cast out corpses without a proper burial:

They proceeded to that degree of ἀσεβεία (impiety), as to cast away their dead bodies without burial, although the Jews used to take so much care of the burial of men, that they took down those that were condemned and crucified, and buried them before the going down of the sun.³¹⁹

Although it is difficult to derive the status of the Jewish persons responsible for providing burials to criminals and the indigent, both the Old Testament and the evidence from Josephus indicate that the act was a pious endeavor, one that was respected within the Jewish community—not stigmatized. Perhaps the most documented (and best known) example of a criminal burial within Jewish society is that of Jesus. Recent scholars have alleged that the burial was dishonorable because of the lack of a family tomb and mourners—two essential aspects of an honorable Jewish burial.³²⁰ In accordance with Jewish custom, Joseph of Arimathea took the body of Jesus and buried him at sunset. Within Christian doctrine, Joseph of Arimathea would serve as model for providing burial to the poor, an act that was a focus within early Christianity. As I now examine, Christian approaches to the poor, as well as new

³¹⁸ Noy, “Where were the Jews,” 86-87.

³¹⁹ προῆλθον δὲ εἰς τοσοῦτον ἀσεβείας ὥστε καὶ ἀτάφους ῥῖψαι, καίτοι τοσαύτην Ἰουδαίων περὶ τὰς ταφὰς πρόνοιαν ποιουμένων, ὥστε καὶ τοὺς ἐκ καταδίκης ἀνεσταυρωμένους πρὸ δύντος ἡλίου καθελεῖν τε καὶ θάπτειν’ (Joseph. *Bell. Jud.* 4.317).

³²⁰ Raymond E. Brown, “The burial of Jesus (Mark 15:42-47),” *CBQ* 50 (1988), 233-45.

attitudes towards the corpse, would have a great impact on the funeral trade and funeral workers within early Christian communities.

5. Burial and Funeral Workers in Early Christianity

In his *Apology*, Tertullian argued for the beneficence of the Christian community and claimed that Christian associations even buried those who could not pay dues.³²¹ He boasted that Christians piously paid into the Church in order to support the burial of the destitute, orphans, household servants without means, and even shipwrecked sailors.³²² It was in part due to the perceived Christian fixation on the dead—their focus on burying the poor as well as Christian congregates, a central belief in resurrection, their gathering in cemeteries, and their holding of funerals during the day—which caused apprehension among non-Christians. As I demonstrated in Chapter Two, there was not a strong focus on the burial of the poor in Roman religion. Furthermore, in Republican and imperial Roman society, cadavers were seen as polluting agents. I will now contend that these new Christian attitudes in respect to the poor and the corpse had a broader effect than previously noticed, particularly in regard to the status of funeral workers.

Investigations into early Christian attitudes regarding resurrection, the body, and pollution have elucidated the effect that Christian dogma had on burial practice; however, the transformation in status experienced by mortuary workers who handled these burial practices

³²¹ Much has been written on Christianity as a *collegium*, but note especially Ascough's work on the subject: Richard S. Ascough, *Paul's Macedonian Associations: The Social Context of Philippians and 1 Thessalonians* (Tübingen: Mohr Siebeck, 2003). Also note: Robert Louis Wilken, "Christianity as a burial society," in *The Christians as the Romans Saw Them* (New Haven; Yale University Press, 2003, 2nd ed.), 31-47.

³²² Tert. *Apol.* 39.6.

has not been fully investigated or contextualized.³²³ First, an inquiry into the use of Christ's life as a model and—in particular—the template provided by Joseph of Arimathea, will show that the *vita Christi* perhaps altered the social perception of Christian funeral workers. By shifting the polluting agent from the corpse to the Christian construction of “sin”, there was a dissociation of funeral workers from the conventional stigma—stemming from death pollution. Furthermore, early Christian writings fashioned funeral workers as figures of fidelity and piety through their veneration in martyrology, hagiography, and patristic writing. This marked a notable social shift from the infamous perception of mortuary workers that persisted within Rome and many of the provinces prior to Christianity.

In a concluding section, I indicate the evidence for the use of funeral workers as minor clerics. I contend that it was the ordination of funeral workers by some churches within the empire that professionalized the perceived role of the funeral worker in facilitating resurrection—as the Egyptian necropolis workers facilitated the afterlife—and instituted a new status for funeral workers within the Church. I show that, while changes in the perception of pollution helped to de-stigmatize the funeral worker within the Christian community, it was the Christian views regarding the provision of burial to the poor and the Church's administration of burial areas that perhaps increased the demand for funeral workers within the clergy as churches expanded from the third century.

³²³ See Caroline Walker Bynum, *The Resurrection of the Body in Western Christianity* (New York: Columbia University Press, 1995), 51-58. Rebillard has led the way in investigating the care of the dead in late antiquity, but has focused largely on the ownership of cemeteries: Éric Rebillard, *The Care of the Dead in Late Antiquity*. Elizabeth Trapnell Rawlings and Jeanine Routier-Pucci, transs. (Ithaca, New York: Cornell University Press, 2009); “Towards a new definition of the relation between the living and the dead,” in *Rome AD 300-800. Power and symbol - Image and reality* (= Acta ad archaeologiam et artium historiam pertinentia, 17) (Rome: Bardi, 2003), 47-55.

5.1 Burial and the construction of Christian identity

In a letter preserved by Eusebius, the “servants of Christ” living in Vienne and Lyons wrote to their fellow Christians in Asia and Phrygia a report on the persecution of the Christians in Lyons in 177 CE.³²⁴ They claimed that while some Christians had died after being forced to fight beasts in the amphitheater there simply for being Christian, others had suffocated in prison and were thrown to the dogs. The body parts of the persecuted were then gathered together and put under heavy municipal guard, so that the Christians could not steal and bury them. This denial of burial greatly vexed the Christians: “...we could not bury the bodies in the earth, for night did not make it possible, and they refused all offers of payment and were deaf to entreaty.”³²⁵ In many ways, the Christian community at Lyon acted as a Roman *collegium* in that—as the *collegium* of Diana and Antinous in Lanuvium had—they sought to reclaim the body of a member and provide it a proper burial; however, the exceptional anxiety over the burial of the martyrs in early Christianity reveals that burial was a key part of the Christian identity.

The liturgy of burial had always served to promote and reinforce the various associative and cultural identities within the Roman empire, and, for early Christians, the ritual of burial—of members, martyrs, and the less fortunate—was in part an acceptance and

³²⁴ Euseb. *HE*. 5.1-2.

³²⁵ *Ibid.* 5.1.61. ‘...τὸ μὴ δύνασθαι τὰ σώματα κρύψαι τῇ γῆ οὔτε γὰρ νύξ συνεβάλλετο ἡμῖν πρὸς τοῦτο οὔτε ἀργύρια ἔπειθεν οὔτε λιτανεῖα ἔδυσώπει...’



Figure 3.7: Epitaph of Datus depicting the story of Lazarus' rising from the dead (Vatican City, The Vatican Museum. *IC Vaticano* [1997], 303)

adherence to the passion model provided by the life of Christ.³²⁶ This model communicated new beliefs surrounding the idea of resurrection, corpses, and the obligation of burial; beliefs that would change numerous social conventions within Roman society.

The focus on resurrection and the body is revealed in the most popular image within the catacombs: the story of Christ raising Lazarus (John 11) from the dead (Fig. 3.7). Furthermore, there was a glorification of persons who facilitated resurrection. Within the *vita Christi*, the Jewish councilors Joseph of Arimathea, who shrouded and then buried Jesus' body in his own tomb, and Nicodemus, who rubbed the body with myrrh and aloe, were figures to be imitated.³²⁷ Joseph and Nicodemus may themselves have been the persons within the *beth din* (the Jewish court) charged with performing the burial of criminals, and as such, may be viewed as funeral directors in Jerusalem. Moreover, Joseph and Nicodemus were figures of piety and mediation that did not have to be directly cited within martyr acts

³²⁶ For *imitatio Christi* and identity in the Lyons persecution, see Boudewijn Dehandschutter, "A community of martyrs: religious identity and the case of the martyrs of Lyons and Viene," in *More than a Memory: The discourse of martyrdom and the construction of Christian identity in the history of Christianity*, ed. John Leemans (Leuven: Peeters, 2005), 3-22.

³²⁷ Joseph of Arimathea: Matt. 27:57-60; Luke 23:50-55; Mark 15:43-46; John 19:38-42. Nicodemus: John 19:39-42.

and hagiography in order to be conjured. Indeed, Rebillard has argued against the use of Joseph and Nicodemus in the fourth and fifth centuries, but he draws this conclusion based on instances of direct citation in sermons and Church writings rather than mining the densely allusive hagiography and ecclesiastical histories of this period for the Joseph archetype.³²⁸

Other Christian texts, such as martyrologies, recast the life of Christ by using martyrs as Christ figures, and casting the laity, who stole martyred bodies for burial, as Joseph of Arimathea—the burier of Jesus. Similarly, hagiographers often cast the saint as Christ, and placed bishops, clerics, the laity, and especially monks as the Joseph figure. This imitation of Christ’s life is seen especially in the second-century martyrdom of Polycarp, as recorded in Eusebius.³²⁹ Eusebius noted that Nicetes, the father of Herod, was encouraged by Jews to appeal to the governor not to give up the body of Polycarp; however, a centurion instead took Polycarp’s body, gathered the bones, which were “more valuable than precious stones,” and buried them in a place that would later become the martyr’s shrine.³³⁰

Christians reading Athanasius’ *History of the Arians* (written 358-360 CE) would have likely recognized the Arian Gregory of Alexandria cast as the evil Pontius Pilate within the story of the persecution and privation of burial of the Catholic bishop Athanasius’ aunt, who was piously buried by corpse attendants. Athanasius notes that she would have been deprived of burial altogether had her corpse attendants (οἱ ὑποδεξάμενοι) not carried her out as if she was kin.³³¹ Her corpse attendants, like Joseph, mediated the aunt’s burial, and treated her as if she were within their own trade *collegium*. Joseph’s burial of Jesus continued

³²⁸ “In the fourth and fifth centuries, Joseph and Nicodemus were therefore not being held up as examples for Christians to imitate...” (Rebillard, *The Care of the Dead*, 107).

³²⁹ Eus. *HE*. 15.1-46.

³³⁰ *Ibid.* 41-43.

³³¹ Ath. *Hist. Arian*. 2.13. Gregory is called ἄθλιος and an ἀνόητος of Christ (Ath. *Hist. Arian*. 2.13.60).

to resonate within Christianity. Furthermore, other Christian stories, such as martyrologies, had a central role in creating collective identities and memory, and focused on a theme present in the everyday lives of all persons: death.³³² As Ascough notes: “Death was inevitable but provided the opportunity for community definition.”³³³ The “opportunity” provided by the death of the Christian martyrs was in part to define a role for those burying the dead; a role reinforced through ritual and remembrance.

As Christ’s life had the ability to instate new beliefs and cleanse the corpse of pollution, so too it could serve to legitimize professions. Texts outling the “ordinals of Christ” portrayed Jesus as performing the tasks of the later orders of the clergy, and, in some of them, such as the *De septimibus ordinibus ecclesiae*, the *fossarius* appears as an order of the Church.³³⁴ These ordinals helped form the basis for the grades of clerics within early Christian churches. The seventh century text of the *Laterculus Malalianus* cited the ordinals of Christ as doorkeeper, *fossarius* (gravedigger), reader, subdeacon, deacon, priest and bishop, and described Christ employed in each clerical position: “He was a gravedigger, when he called forth Lazarus already stinking from his tomb on the fourth day. He was a *lector* when he opened the book of Isaiah...”³³⁵ The tradition of Christ as *fossarius* appears to have been a regional rather than empire-wide belief: an example both of the lack of a

³³² See especially Steffen Diefenbach, *Römische Erinnerungsräume: Heiligenmemoria und kollektive Identitäten im Rom des 3. bis 5. Jahrhunderts n. Chr.* (Berlin and New York: Walter de Gruyter, 2007).

³³³ Richard S. Ascough. “A question of death: Paul’s community-building language in 1 Thessalonians 4:13-18,” *JBL* 123:3 (2004), 510.

³³⁴ ps.-Jer. *De Sept. Ord. Ecc.* (=PL 30.148-62). Dated between the fourth and seventh centuries.

³³⁵ *Lat. Mal.* 19: ‘*Fossarius fuit, quando Lazarum de monumento quarto iam fetidum euoauit. Lector fuit, quando librum Esaiae...*’ (Jane Stevenson, trans. *The Laterculus Malalianus and the School of Archbishop Theodore*. Cambridge Studies in Anglo-Saxon England 14 [Cambridge: Cambridge University Press, 1995], 146-9). Cf. Roger Edward Reynolds, *The ordinals of Christ from their origins to the twelfth century* (1978); “At “sixes and sevens” and eights and nines: the sacred mathematics of sacred orders in the Early Middle Ages,” *Speculum* 54.4 (1979), 669-84.

monolithic “Church” as late as the seventh century, and the fact that the ordination of funeral workers as minor clerics may not have occurred uniformly throughout the empire.³³⁶

However, there is strong evidence that persons responsible for the transportation of the corpse and burials were ordained within some early churches.

5.2 *The ordination of funeral workers in early Christianity*

Following plagues in Carthage and then Alexandria in the mid-third century, the Church became renowned for its handling of the sick and dying in periods of plague and famine; a fact indicated in Eusebius’ account of the clergy in Alexandria caring for the sick and interring the dead.³³⁷ This Christian reputation for deference and burial of the dead was, as the emperor Julian resentfully stated, an essential means of spreading Christianity; however, the mortuary procedures and burial plans early Christians established were notably diverse from church to church within the Empire.³³⁸ The new role for Christian funeral workers was ideally devoid of stigma because, as in the case of a soldier burying his tent-

³³⁶ The discrepancies in the minor orders of the Church have been well noted by modern scholars, and show a level of inconsistency that indicates regional variation. Faivre presents a helpful table comparing the variations. Alexandre Faivre, *Naissance d’une hiérarchie. Les premières étapes du cursus clerical* (Paris: Beauchesne, 1977), 192.

³³⁷ Eusebius quotes a letter of Dionysius, bishop of Alexandria during the plague of 262 CE: *HE*. 7.22.7-9: “Farther on he adds: The most of our brethren were unsparing in their exceeding love and brotherly kindness. They held fast to each other and visited the sick fearlessly, and ministered to them continually, serving them in Christ...In this manner truly the best of our brethren departed from life, including some presbyters and deacons and those of the people who had the highest reputation...And they took the bodies of the saints in their open hands and in their bosoms, and closed their eyes and their mouths; and they bore them away on their shoulders and laid them out...” (‘Τούτοις ἔξης ἐπιφέρει λέγων “οἱ γοῦν πλείστοι τῶν ἀδελφῶν ἡμῶν δι’ ὑπερβάλλουσαν ἀγάπην καὶ φιλαδελφίαν ἀφειδοῦντες ἑαυτῶν καὶ ἀλλήλων ἐχόμενοι, ἐπισκοποῦντες ἀφυλάκτως τοὺς νοσοῦντας, λιπαρῶς ὑπηρετούηνοι, θεραπεύοντες ἐν Χριστῷ...οἱ γοῦν ἄριστοι τῶν παρ’ ἡμῖν ἀδελφῶν τοῦτον τὸν τρόπον ἐξεχώρησαν τοῦ βίου, πρεσβύτεποι τέ τινες καὶ διάκονοι καὶ τῶν ἀπὸ τοῦ λαοῦ...καὶ τὰ σώματα δὲ τῶν ἁγίων ὑπτίαις χερσὶ καὶ κόλποις ὑπολαμβάνοντες καθαιροῦντες τε ὀφθαλμοὺς καὶ στόματα συγκλείοντες ὡμοφοροῦντες τε καὶ διατιθέντες ...’)

³³⁸ Julian (“To Arsacius,” *Letters*, 429D) notes that what contributed to the growth of Christianity was their generosity towards strangers and their “care for the burial of the dead” (‘περὶ τὰς τάφας τῶν νεκρῶν προμήθεια’). Arsacius was then (362 CE) the high-priest of Galatia.

mate or a family member burying his or her relative, it was no longer *schadenfreude*, but an act of *pietas*.³³⁹ Furthermore, by contrasting the pious Christians, who performed martyr burials and gave obsequies to abandoned corpses within plague-ridden cities, with the ‘pagans’, who fled from their burial duties and the sick, Christians glorified themselves.³⁴⁰ This tradition of the provision of burial became an important part of early Christian identity, but who was to perform these burials? In the early Church, it often fell to clerics.

The responsibility of some clerics to provide burials is evident in a letter from the Roman clergy to the Carthaginian clerics written after Cyprian’s withdrawal was announced in 250 CE, the Roman *clerici* sought to remind their African brethren of their responsibilities. Designated persons were to bury not only the bodies of the martyrs, but also “the others.”

And in particular, if the bodies of the martyrs or of the others are left unburied, severe danger threatens those whose duty it is to do this work. Accordingly, whoever amongst you on whatever occasion carries out this task, he is accounted, we are sure, a good servant, and therefore, as he has been faithful over little, he will be set in authority over ten cities.³⁴¹

While the Roman clergy did not name a particular order of clerics responsible for burial duties, it did maintain that it was a responsibility of the Carthaginian church to carry them out. The ambiguity is perhaps evidence that third century churches indeed lacked uniformity in terms of the hierarchy and duties performed by the various clerical orders; however the letter supports the notion that, at least in Rome and Carthage, there were individuals

³³⁹ Kinship terminology among Christians was common and promoted cohesion. Cf. Joseph H. Hellerman, *The Ancient Church as Family* (Minneapolis: Fortress Press, 2001).

³⁴⁰ Eusebius preserved a letter of the bishop Dionysius concerning the plague in Alexandria in 260 CE, which recounts that Christian were depended upon to care for the sick and dying when their pagan relatives fled from the diseased (*HE*. 7.22.7-8).

³⁴¹ *Cyp. Ep.* 8.3.2: ‘*Et quod maximum est, corpora martyrum aut ceterorum si non sepeliantur, grande periculum imminet eis quibus incumbit hoc opus. Cuiuscumque ergo vestrum quacumque occasione fuerit effectum hoc opus, certi sumus eum bonum servum aestimari, ut qui in minimo fidelis fuit constituatur super decem civitates*’ (ed. Hartel).

employed within the Church to carry out the ‘*opus*’ of burial. The performance of this duty would be especially important during the plague within Carthage that would rage just two years later, and during which the clergy visited the sick and provided last rites. Cyprian wrote a treatise reactive to the plague, *On the Mortality*, that proclaimed death as a path to immortality, and encouraged Christians to continue to care for the sick and dying.

Besides the letter to the Carthaginian clerics, other textual evidence supports clerical mortuary workers. In Circa in 303 CE, *fossores* are listed among the Christian clergy, and likewise, in other areas within the empire, such as Asia Minor, gravediggers also began to form the lowest clerical *ordo*.³⁴² Furthermore, a letter written at the beginning of the fifth century by an author imitating the second-century bishop of Antioch, Ignatius, addressed the clerics of the city: subdeacons, lectors, psalmists, porters, the gravediggers the exorcists, and the confessors.³⁴³ Although not written by Ignatius, the letter is perhaps anachronistic evidence for the clerical orders extant within the Antiochene church in the fifth century, and, along with the letter from Jerome, supports the strong epigraphic evidence for clerical gravediggers in the East and the West. Both letters indicate the lack of uniform vocabulary within early Christendom and the absence clerical standardization, but further support the argument for clerical gravediggers in Late Antiquity. As Chapter Five claims, these early clerics attached to the Church perhaps served as a model for the burial scheme that Constantine was to institute in his model Christian city—Constantinople.

³⁴² Circa: *Gest. ap. Zenoph.* 3. Asia Minor: In a law of 357 (*Cod. Theod.* 13.1) it is noted that there were clerics who were called *copiatae* (*‘clerici qui copiatae appellantur’*) given tax exemptions and another law of 361 (*Cod. Theod.* 16.2.15) mentions *‘clerici vero vel his quos copiatas recens usus instituit nuncupari.’* Yvette Duval, ‘Le clergé de Circa au début du IV^e siècle,’ in *‘Vbique amici’: Mélanges offerts à Jean-Marie Lassère* (Montpellier; Presses de l’Université Paul Valéry, 2001), 309-40.

³⁴³ pseudo-Ignatius, *Letter to the Antiochenes*, 12. It is vague as to whether the brethren referred to by Augustine were clerics; however, in his *Confessions* he notes: “And while those whose office it was to prepare for the funeral went about their task according to custom...” (*‘...et, de more illis quorum officium erat funus curantibus...’* 9.12.31)

6. Conclusion

Throughout the Roman empire in the second century CE, the popularity of cremation, which had predominated at the beginning of the imperial period, gave way to the trend of inhumation—indicated in the rise of subterranean *hypogea* and later the catacomb model in the city.³⁴⁴ As Bodel has noted, this great change altered the mortuary landscape throughout the Latin West and transformed the mortuary trade in cities within the empire. While cinerary urns and *columbaria* could be expensive to buy and maintain, the large-scale inhumation from the second century onward was also labor intensive and required greater real estate—especially in cramped, heavily populated urban areas such as Rome. As Schrupf points out, inhumation was more expensive than cremation, and required large spaces to be sold for burial, a development that—as I will explore in regard to the *fossores* in the Roman catacombs—required changes in the labor force and created opportunities in the real estate market.³⁴⁵

By the time of Constantine at the beginning of the fourth century, inhumation had been well established as the preferred means of burial throughout the empire, and the merchants, craftsmen, gravediggers, and other funerary workers within the city had perhaps already seen an increased demand within their field. In discerning this transition from cremation to inhumation, Morris' caveat must be considered, namely that: “no one feature of

³⁴⁴ Cf. Athur D. Nock, “Cremation and burial in the Roman empire,” *HTR* (1932), 321-59; Ian Morris, “ ‘Mos Romanus’: cremation and inhumation in the Roman empire,” in *Death-Ritual and Social Structure in Classical Antiquity. Key Themes in Ancient History*, Paul Cartledge and Peter D.A. Garnsey, edd. (Cambridge: Cambridge University Press, 1992), 31-69; Bodel, “From columbaria to catacombs.”

³⁴⁵ Schrupf, *Bestattung und Bestattungswesen*, 202-11.

burial customs can be privileged over the others in analysis.”³⁴⁶ To Nock and to Morris, the transition to inhuming the dead was one of fashion rather than religion, and the evidence for the transition appears to support this. The trending towards inhumation in the city of Rome, for instance, predates the wide expansion of Christianity. We cannot attribute the transition from cremation to inhumation to Christianity; however, it is clear that inhumation was the preferred mode of burial by Christians, and that the growth of Christianity meant that the mortuary landscape began to compete more closely with the urban one.

Regardless of whether the shift to inhumation was influenced by Christian doctrine, I have demonstrated that Christian attitudes towards the corpse and the burial of the poor did have another, unnoticed effect in Roman society, on the status of funeral workers. While this chapter collectively augments the current scholarship by establishing the economic and social role of funeral workers in Egypt, within Jewish communities, and in early Christianity, its significance lies in demonstrating how alternate religious views had an impact on the status and role of the funeral workers within these societies. Unlike the red-capped undertakers outside the city walls of Puteoli, the figurative cleansing of the conventional pollution surrounding death within early Christian doctrine served to integrate funeral workers into society. As I will now illustrate, it encouraged the gravedigger, who once omitted his profession on his epitaph, to proudly proclaim it.

³⁴⁶ Morris, *Death-ritual and Social Structure*, 32.

Chapter 5

The Status and Roles of Funeral Workers in Late Antiquity

1. Introduction

In Late Antiquity, funeral workers in numerous cities were organized into a guild system for the use of the Christian church in burying the dead. In Constantinople, Rome, Antioch, Alexandria, and other urban centers within the late Roman world, funeral workers drawn predominantly from trade workshops (*ergasteria*) were granted tax exemptions and a position within the Church in return for their services. The subsidization of funeral workers by the state is first indicated by two sixth-century decrees of Justinian that reference Constantine's establishment of associations of *decani* (funeral directors) and *lecticarii* (corpse-bearers) overseen by the bishop in Constantinople during the early fourth century. Together, these decrees outlined Constantine's novel system, which intended to ensure the burial of all residents in Constantinople, and marked a notable policy shift in that the state now provided liturgical exemptions and subsidies to funeral workers who performed burials for the indigent.³⁴⁷ The conferment of *beneficia* and ecclesiastical standing to Late Antique funeral workers denotes a distinct change in regard to their status, compared to their predecessors in republican and imperial cities, who conversely endured civic disabilities and a stigma of disrepute. The establishment of burial associations was part of the emperor

³⁴⁷ Just. Nov. 43, 59.

Constantine's expansive social program to exemplify charity, increase official promotions, and endorse a Christian identity; however, it generated numerous unnoticed results in terms of social mobility and patronage networks. In this chapter, my objectives are to trace the origins of Constantine's burial scheme, to offer a systemic explanation for changes seen in the social status of funeral workers, and to indicate the increased involvement of the Church in the funeral trade in late antiquity.

First, in an effort to understand the associations of funeral workers employed by the Christian churches prior to Constantine's decrees, I examine the well-known example of the *fossores* in the Roman catacombs. Funeral workers had already undergone a shift in status within numerous churches in the Roman empire through their incorporation as either clerics or as ecclesiastical workers, and the capacity with which they provided burials on a small scale to local Christian congregations. These associative precursors to the *decani* and *lecticarii* in Constantinople, I argue, were the archetype on which Constantine based his own scheme. While funeral workers had undergone a level of social elevation through their use within the early churches, those in Constantinople received exemptions from *munera* and an ecclesiastical position that elevated them further. In turn, Constantine's scheme to provide burials to all within the city influenced the creation of other associations of funeral workers within the empire: the *copiatae* in Asia Minor, the *decani* at Ephesus, and the *parabolani* in Alexandria, for example.

Second, I focus on the systemic changes that occurred in Roman society and in its burial practices with the rise of the Christian church. In the Late Antique period, there was a shift in patronage bonds that occurred as a result of establishing bishops rather than imperial administrators as the overseers of large civic associations. The *lecticarii* and the *decani* in

Constantinople, the *parabolani* in Alexandria, and the funeral workers patronized by Pope Damasus in Rome are examples of this shift in patronage relations to the bishop.

Constantine's arrangement connected private associations of *negotiatores* and their workers to the Church as minor clerics subsidized by the state. An examination of these and other funeral associations, however, illustrates that it was not an easy transition from businessman to clergyman. Through an analysis of the persistent corruption that plagued Christian burial programs and the Church's involvement in the selling of burial spaces, I illustrate the lucrative nature of the funeral market in Late Antiquity and the departure away from Constantine's ideal of providing charitable burials.

2. Funeral Workers in the Late Antique Period

As I established in Chapter Two, funeral workers considered disreputable by Roman law staffed republican and early imperial mortuary associations. As such, these workers were barred from running for municipal office and might be relegated to living quarters outside the city walls. While little epigraphic evidence for republican and imperial funeral workers survives, from the second century funeral professionals called *fossores* or *fossarii* ('diggers') for their work in the Roman catacombs, appear in the material record on numerous inscriptions and frescoes preserved within the catacombs. These inscriptions are significant in that they announce the existence of associations of *fossores* that crafted and sold burials spaces; they point to a strong, perhaps clerical, connection to the Christian church in Rome. Although it is recognized that there was not uniformity among the clerical orders within the early churches, many churches appear to have assimilated funeral workers as lower-level clerics or ecclesiastical workers in order to carry out burials. Together, the evidence for

clerical and ecclesiastical funeral workers reveals that there was a new avenue of social mobility available to them within Late Antiquity, which was expanded upon by Constantine's burial scheme.

Archaeological and literary evidence points to this ordination of lower-level clerics for the purpose of providing burials. Rebillard, the principal authority on Late Antique burial practices, notably rejects the clerical status of gravediggers within the Church. However, the archaeological evidence—comprising the epitaphs and frescoes of Christian *fossores* in the catacombs in Rome and the epitaphs of the *copiatae* in Asia Minor—communicate a strong relationship with the Christian church through symbols, dress, and terminology.³⁵³ As Chapter Four established, the literary evidence further supports the existence of clerical mortuary workers. Moreover, in the later legal evidence, the *copiatae* in Asia Minor were recognized definitively as *clerici* (clergy) in imperial law. Yet it is notable that not all funeral workers became clerics: while the clerical *copiatae* had the duty of burial in the churches of Asia Minor, penitents were declared by the Council of Carthage in 397 to be responsible for the care for the dead in North African churches.³⁵⁴ When considering the status of funeral workers in Late Antiquity, then, it is important to be alert to the regional variations in the clerical orders, and to avoid thinking of “the Church” as a uniform entity in the first through sixth centuries. Ecclesiastical regulations on burial and the status of funeral personnel were in

³⁵³ Rebillard, *The Care of the Dead*, 2009.

³⁵⁴ Karl Joseph von Hefele, *A History of the Councils of the Church: From the original documents II* (Edinburgh; T&T Clark, 1876), 416; can. 4.81.

fact lacking in the early Church, and thus churches were left free to determine the status of the funeral workers they employed.³⁵⁵

Methodologically, it is imperative that the study of Late Antique burial associations consider the extant sources on gravediggers in conjunction with this archaeological evidence, particularly in regard to the question of status. The fault in Rebillard's methodology lies in his admitted focus on the extant textual sources to the exclusion of the archaeological evidence—an approach that gives a lofty view from above rather than from the burier himself.³⁵⁶ Epitaphs and frescoes, however, more clearly articulate the individual's personal experience of this status, which in late antiquity was proclaimed from gravestones and frescoed doorways in a voice rarely heard before Christianity. Other scholars such as Renaat Jonckheere, in his attempt to trace the origins of the Roman catacombs, have noted that there is a distinct necessity to consider both textual and archaeological evidence in order to draw conclusions about status.³⁵⁷ His examination of the archaeological evidence in the catacombs unveils a Christian method of close burial and sparse decoration that set off parts of the catacombs as distinctly Christian, and supports the thesis that, while individual families and *collegia* owned *loculi*, workers could be hired from the Church to inter and decorate these spaces. The archaeological evidence corroborates the textual sources that Rebillard discounts as frauds or idealism, and it provides significant insight into a social layer rarely excavated by historians: the identity of Late Antique funeral workers. I maintain that archaeological

³⁵⁵ Mark J. Johnson. "Pagan-Christian burial practices of the fourth century: shared tombs?" in *Christianity and Society: The social world of early Christianity*, ed. Everett Ferguson, vol. 1 *Recent studies in early Christianity* (New York: Garland Publishers, 1999), 392-93.

³⁵⁶ Rebillard, *The Care of the Dead*. Note his methodological profession that: "The blending of written sources and archaeological data too often leads only to circular reasoning..." (x).

³⁵⁷ Renaat M.G. Jonckheere, *Christenen en de dood: Een studie naar het ontstaan van de christelijke catacomben te Rome* (Dissertation 2006, Utrecht University).

remains and texts cannot be considered independent of each other, in spite of the “problems” that consideration of all the evidence may present methodologically.

A proviso concerns anachronism in the study of the early Church, particularly in regard to the clerical orders. There was in fact no standardization for the minor orders in the early Church, but rather, as Ford puts it, “a plurality of ministries that varied according to the needs of the local church.”³⁵⁸ In an attempt to discern a false homogeneity in the early Church, epigraphic evidence demonstrating the presence of gravediggers and other clerics (e.g. ordained women within the Church) has been overlooked so as to resemble the absence of these clerics in later texts. As Rebillard has favored textual over archaeological evidence in regard to clerical funeral workers, so Aimé Martimort’s argument that women were never part of the clerical orders ultimately has to overlook or downplay key epigraphic evidence that strongly indicates the existence of female clerics.³⁵⁹ In the manner that female clerics disappeared from the later Church, many churches within the empire appear to have similarly phased out their clerical orders of mortuary workers by the early medieval period. In the present study, the temporal and regional differentiations within the early history of the Church are recognized. Rather than whitewashing the ‘outliers’ and projecting uniformity in belief and practice in the early Church, as both ancient and modern writers have done, I consider the nuances demonstrated by the epigraphic evidence. It points to the fact that

³⁵⁸ John Ford, “Ministries in the Church,” in *The Gift of the Church: A textbook ecclesiology in honor of Patrick Granfield, O.S.B.*, edited by Peter C. Phan (Collegeville, Minn: Liturgical Press, 2000), 299. Ford then notes: “However, as situations changed over time, there was a process of institutionalization that resulted in the disappearance of some ministries and the development or modification of others” (*Ibid.*).

³⁵⁹ Aimé Georges Martimort, *Deaconesses: An historical study* (San Francisco: Ignatius Press, 1986). An inscription dated to 425 CE, from the Dalmatian city of Salona indicates that a woman presbyter was an important part of the ecclesiastical community there: *ILJug. III, 2789 = ILCV 3791c = AE 1922, 42: Dd(ominis) nn(ostris) Th(a)eodosio co(n)s(ule) XI et Valentiniano / viro nobelissimo(!) Caes(are) ego Th(a)eodo/sius emi a Fl(avia) Vitalia pr(es)b(ytera?) sanc(ta) matro/na auri sol(idis) III sub d(ie).* cf. Kevin Madigan and Carolyn Osiek. *Ordained Women in the Early Church: A documentary history* (Baltimore: Johns Hopkins University Press, 2005), 196.

churches differed from Roman mortuary associations in the Republic and early empire in that ecclesiastical institutions had the ability to offer previously outcast funeral workers two benefits: a ritual means for re-inclusion into reputable society, and the conferment of the *existimatio* denied to their predecessors—either as a cleric or as an ecclesiastical worker. While we cannot speak of the status of these funeral workers en masse, in many Late Antique cities their social position appears elevated above that of their predecessors.

2.1. *The Fossores of the Roman Catacombs*

As the Christian population grew in Rome in the first two centuries, there was an obvious need to establish cemeteries within which to bury the deceased. As Chapter Three has shown, there was a destigmatization of death within early Christianity and a focus on burial customs as a means to attain salvation, which made the proper performance of inhumations essential. Hippolytus notes that Callixtus was given a burial area in the growing underground complex of catacombs beneath Rome along the Via Appia in 199 to superintend, a space that has now been identified by Guyon and Nicolai within the larger complex.³⁶⁰ At this date, the Church certainly did not oversee all burials of its members, but it would have needed to employ gravediggers and artisans familiar with the excavation of the tufa rock in order to perform the sacred duty of placing Christians within the initial *areae* owned by the Church. The *Apostolic Tradition*, attributed to Hippolytus and written at the beginning of the third century, dictates that the Church was to provide cheap burial to the

³⁶⁰ Hipp. *Phil.* 9.7. See Vincenzo Ficocchi Nicolai and Jean Guyon, 'Relire Styger: Les origines de l'*area* I du cimetière de Calliste et la crypte des papes,' *Origine delle catacombe Romane. Atti della giornata tematica dei Seminari di Archeologia Cristiana (Roma 21 marzo 2005). Sussidi a lo Studio delle antichità cristiane XVIII* (Città del Vaticano: Pontificio Istituto di Archeologia Cristiana, 2006), 121-61. Although the meaning of the word *koimeterion* and the ownership of early burial areas has been called into question by Rebillard, it does appear that Callixtus was charged with overseeing this area and would thus have had a close relationship with the diggers there.

poor, who were only expected to pay for the workman's fee and for the tiles to seal the *loculi*; a provision that was to be overseen by the bishop.³⁶¹

By the mid third century—only a half century after the establishment of Callixtus' modest burial area—the catacombs in Rome were swelling, persecution of Christians had increased, and the Church itself was becoming responsible for a mounting number of burials of clergy and laypeople. The *area* of Callixtus grew from around 180 tombs at its nascence to over a thousand by just the mid third century. The responsibility of the Church to provide burials for martyred clergy and certain Christians is evident in the literary sources at this time: a letter from the Roman clergy to their fellow clerics in Carthage around 250 reminded the African clerics to bury the bodies of the martyrs and “others” within their congregation.³⁶² It is in the mid third century that I propose the *fossores* likely began to be assimilated into the lowest clerical order of the Church. In their function as guards of the *martyria*, they are projected in the catacomb frescoes as pious sentinels of relics, men who mediated the world between the living and the dead as part of a key theme within the catacombs: salvation. As the catacomb boom continued from the late third to the mid fourth century, the *fossores* within the catacombs were essential intermediaries between the living and the dead in the Roman church's growing burial complexes. The increased epigraphic attestation of these associative networks of buriers is perhaps a testament to the destigmatization of their profession within Christianity and their position within the church.³⁶³

³⁶¹ Hipp. *Ap. Trad.* 40.1-2. Trans. Alistair Stewart-Sykes, *On the Apostolic Tradition* (Crestwood, NY: St. Vladimir's Seminary Press, 2001), 163.

³⁶² Cyp. *Ep.* 8.3.2.

³⁶³ See especially Guerri 1979; Guyon 1974.

It is in the later third and fourth centuries that the evidence for *fossores* proliferates, along with the growth of the catacombs themselves.³⁶⁴ Within these inscriptions, religious identity, associative relationships, and hierarchy are evidenced. The epitaph below is one of the best-known *fossor* inscriptions, that of the *fossor* Diogenes.

Diogenes Fossor In Pace Depositus
Octavv Kalendas Octobris

Diogenes, a 'digger', buried in peace
on the eighth day before the Kalends of October³⁶⁵

The epitaph was inscribed overtop the entrance to a large, ornate *arcosilium* in the catacomb of Domitilla during the first half of the fourth century (Fig. 5.1).

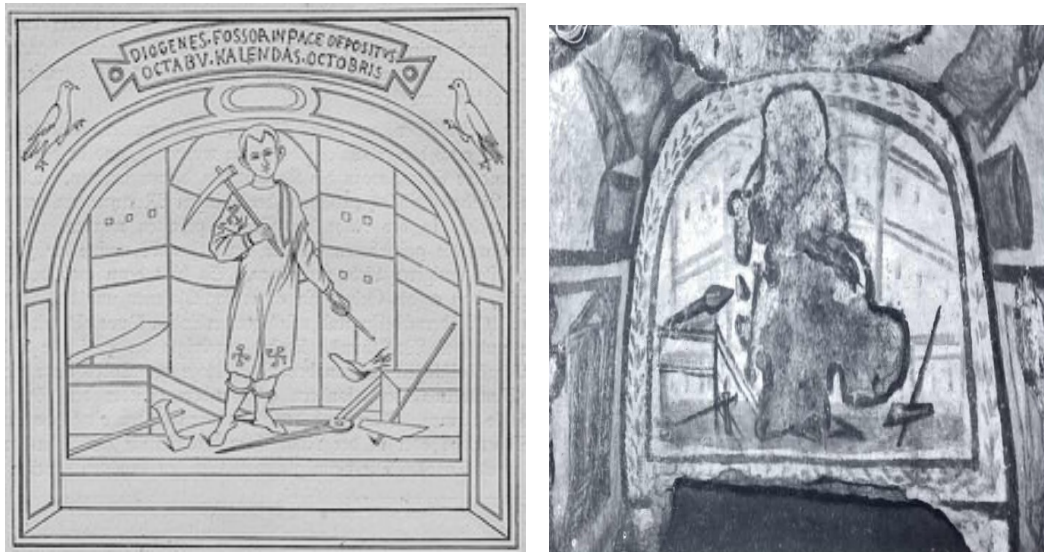


Figure 5.1 Diogenes the Fossor. Catacomb of Domitilla (Reconstruction: *The Catholic Encyclopedia* VI [New York: Robert Appleton, 1909], 155; s.v. fossors).

³⁶⁴ Cf. Elena Conde Guerri, *Los "fossores" de Roma paleocristiana: estudio iconográfico, epigráfico y social* (Vatican City: Pontificio Istituto di Archeologia Cristiana, 1979); Henri Leclercq, "Fossoyeurs," *DACL* 5:2 (1923), col. 2065-92. Rebillard is one of the few that ventures to show the transition from the Roman to Christian period with his work on the various types of funerary assistance available to the poor. Cf. Éric Rebillard, 'Les formes de l'assistance funéraire dans l'empire romain et leur évolution dans l'antiquité tardive,' *Antiquité tardive* 7 (1999), 269-82.

³⁶⁵ *ICUR NS* III, 6649. Rüpke [Diogenes] 1454, Guyon F22. The fresco was damaged when an attempt to remove it went badly. The drawing done before this removal attempt remains our best representation.

Two doves appear to hold up the epitaph, and underneath it, a frescoed portrait of Diogenes stands in front of an apsed building—possibly a *basilica*—within the catacomb. He holds a pick representative of his trade and a lamp to light his way, with his instruments (a compass and chisel) surrounding him. Unlike other depictions of *fossore*s shown in short, ‘worker’ tunics, Diogenes wears a long robe with hooked crosses on it similar to clerical vestments. The tomb communicates two identities: that of a Christian and that of a *fossor*. The grandeur indicates this was probably a high-level catacomb administrator who, in the humility appropriate for Christian burials, identified himself as a *fossor*. The fresco is a striking example of the elevation of a group of artisans and gravediggers within Christianity and provides a glimpse into a specialized group of burier-artisans.

These *fossore*s were men who performed duties well beyond what their name—‘digger’—suggests. They excavated and navigated the tufa rock underneath the city of Rome, sold a variety of burial models in the form of *arcosilia*, *loculi*, *cubicula*, and other carved spaces, and interred the dead (Fig. 5.2-3).



Figure 5.2: A graffito depiction of a *fossor* with a cadaver from the third century. Cemetery of Domitilla (Pontifical Commission of Sacred Archaeology, Com. Ts.1)

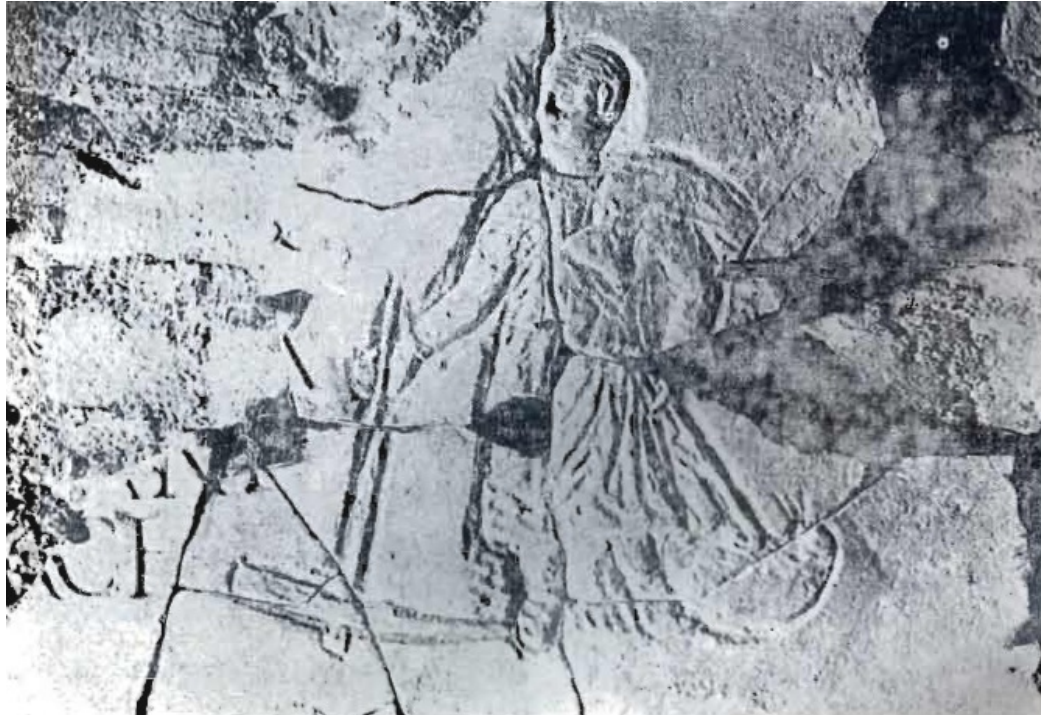


Figure 5.3: Fourth century depiction of a *fossor* from the Catacomb of Marcus, Marcellianus, and Damasus.

Burial chambers (*pila*) were created by hollowing out the bedrock for largely singular burials, but sometimes with accommodations for two bodies (*bisomus*), three (*trisomus*) or four (*quadrisomus*). Certain other workshop members may have been responsible for painting frescoes and inscribing stones, but analyses of paintings indicate that members of a workshop usually worked only within one catacomb.³⁶⁶ It is probable that *fossor* was a broad term, one used to describe the workers in the catacombs, though its ambiguity glosses over a range of engineering, artisan, and labor specializations within the various groups that worked in the catacombs. An inscription from the catacomb of Callixtus and a graffito from the catacomb of Commodilla indicate the existence and function of these associations in the

³⁶⁶ Norbert Zimmermann, *Werkstattgruppen römischer Katakombenmalerei*. Jahrbuch für Antike und Christentum, 35 (Münster Westfalen: Aschendorff, 2002).

catacombs well before Constantine's promotion of Christianity. The workers' engineering skills are evident in the tombs; they were certainly essential to the growth of the catacomb complexes in Rome and other cities, such as Naples and Syracuse, which had catacomb complexes but which unfortunately provide no evidence as to the identity or status of the workers within them.³⁶⁷ Bodel has proposed that the number of burial spaces in the Roman catacombs prior to Constantine was around 41,800, a figure that suggests the need for a great deal of manpower and skillful organization in the third century.³⁶⁸

Although the evidence for *fossores* includes frescoes such as Diogenes' and often-romantic depictions placed over doorways or beside *loculi* (Fig. 4.4-5), inscriptions constitute the predominant evidence for these workers. The citation in these inscriptions of '*fossor*' served dual purposes: either as a visible contract of sale within another's epitaph (thus holding a *fossor* responsible for any double-sales or tomb disturbances), or to indicate profession.³⁶⁹ Whereas there is virtually no epigraphic trace for funeral workers in the republic and early imperial record, there was an apparent change in epigraphic habits for Christian buriers. It is necessary to consult the archaeological evidence to determine why, in the third century, the term '*fossor*' became noted within the epitaphs of the catacombs, and to consider this trend relative to the sparse epigraphic habit of those in the Roman funerary market in the Republican and imperial periods. Why was this profession more often proclaimed in the Late Antique period? I propose that the catacombs were a mix of rival *collegia* of *fossores*, similar to workshops, each with established allegiances to the various

³⁶⁷ *ICUR* NS IV, 12228; *ICUR* NS II, 6446.

³⁶⁸ Bodel, "Columbaria to catacombs," 185.

³⁶⁹ Bill of sale, e.g. '*Rufina emit sibi locu/bisomu a [f]ossore/ Alexandru*' (*ICUR* NS IV, 11991).

collegia and patrons that bought up parts of the catacombs. Certain workshops of *fossores* had a special relationship to the Church that was, for lack of a more nuanced term, clerical.³⁷⁰



Figure 5.4: Representation of a *fossor*; hypogeum of Via Dino Compagni, Rome.

³⁷⁰ Rebillard used the *mensores* to illustrate that the Church did not collectively administer the catacombs. Éric Rebillard, "Chrétien et formes de sépulture collective à Rome aux IIe et IIIe siècles," in *Origine delle catacombe romane: atti della giornata tematica dei Seminari di Archeologia Cristiana (Roma, 21 marzo 2005)*, *Sussidi a lo Studio delle antichità cristiane XVIII*. edd., V. Focchi Nicolai and Jean Guyon (Città del Vaticano: Pontificio Istituto di Archeologia Cristiana, 2006), 41-47. Rüpke notably includes the *fossores* in his comprehensive *Fasti Sacerdotum* as a minor order of the clergy (*Fasti Sacerdotum*, 36).



Figure 5.5: Frescoed depictions of *fossores*.
Both from the cemetery of Callixtus, cubiculo 22 [Gueri, *Fossore*, Fig. 3-4].

I suggest that the drastic change in epigraphic habit can be accounted for if the arbitrary barrier established between the commercial and the ecclesiastical realms is torn down. As with Constantine's subsequent enlistment of workers from Constantinople's *ergasteria*, the *fossores* in Rome were perhaps simultaneously clerics and entrepreneurs. The great nineteenth-century archaeologist of the catacombs, Giovanni De Rossi, claimed that the *fossores* were pious clerics working within the Christian catacombs of Rome, but this conclusion has since been abandoned for a view of the *fossores* as the private sellers of tombs.³⁷² Although De Rossi's methodology and presuppositions about the Roman catacombs have often been proven faulty, it is apparent in the archaeological remains that certain groups of *fossores* had a distinct relationship with the church in Rome that was indeed clerical, even if these 'diggers' also interred pagans and Jews within the catacombs. Multiple groups of *fossores*—some clerical and some privately based—at work within the catacombs may help to explain the status of associations of buriers connected to the catacombs, and they provide us with a glimpse into the associative networks in burial areas.³⁷³ All *fossores*, though, were not clerical, as De Rossi thought, but were rather part of the strong patchwork of associations and memberships in the catacombs, which is evident in the epitaphs within these burial complexes.

The Church did not control all burials in the catacombs, and thus numerous associations of *fossores*, likely even non-Christian ones, continued to engage in business as purely private entrepreneurs to bury Christians as well as Jews and other non-Christians.

³⁷² Giovanni Battista De Rossi, *La Roma sotterranea cristiana. Tomo III, Il cimitero di Santa Sotere, le altre sotterranee regioni e la necropoli sopra terra incorporate al cimitero di Callisto tra l'Appia e l'Ardeatina, il cimitero di Generosa super Philippi al quinto miglio della via portuense presso il bosco degli arvali* (Rome: Salviucci, 1877), 520-42.

³⁷³ Jonckheere says that the possibility for a mix of clerical and non-clerical *fossores* should be considered (*Christenen en de dood*, 446).

However, based on the strong Christian identities in epitaphs and the representations of *fossore*s in frescoes, there is evidence that the church at Rome contracted certain *fossor* associations specifically in order to inter their clergy in areas such as the catacombs of Domitilla; in return, the *fossore*s were given a clerical status similar to the position *copiatae* were given in the East.³⁷⁴ These men may or may not have worked exclusively within the Church, but their provision of burials to important members of the clergy and within Church-owned clusters of *loculi* perhaps accounts for the status proudly broadcast in their inscriptions through word and symbol, their depiction in the catacombs, and their patron-client relationship with the bishop Damasus in the mid-fourth century, which I will discuss later. Besides the strong relationship to the church in Rome, hierarchy among the *fossor* community and networking within it are discernible from the surviving archaeological data.

Among the *fossor* inscriptions, there are indicators of connections within voluntary associations. An epitaph of two *fossore*s buried together in a *bisomum*—a burial space meant for two bodies—was placed in the catacombs of Callixtus and indicates that the two men were within the same *collegium*.³⁷⁵ A fourth-century man named Debestus has a chi-rho and pick-axe above his epitaph, which notes that he ‘*laboravit per omnium climiterium*’, indicating he was a Christian *fossor* (though not necessarily a cleric) and perhaps a member of numerous different *fossor* associations over his lifetime.³⁷⁶ Hierarchy within these associations is also illustrated in the inscriptions. A graffito records a *fossor* named Musicus as a kind of foreman over his laborers, like the *manceps* over his *operae* at Puteoli in Chapter

³⁷⁴ *Cod. Theod.* 16.2.15 (356 CE).

³⁷⁵ *ICUR NS III*, 9143. Guyon F20.

³⁷⁶ *ICUR NS VII*, 19551; Rüpke no. 2470 (1158); Guyon F72.

Two.³⁷⁷ Furthermore, just as the necropolis workers in Egypt appear to have passed their profession on to their children, there is evidence for families working together as *fossores*. Three inscriptions from the catacomb of St. Agnes off the Via Nomentana—a burial area renowned for housing the martyr Agnes and Constantine’s daughter, Constantia—note a family of *fossores* there.³⁷⁸ Certainly by the fourth century, associations of *fossores* had become as diverse and hierarchical as any other trade *collegium*, but it was their connection to the Church that perhaps distinguished some *fossor* associations from others.

These *fossores* appear to have sold tombs until the mid fifth century, when clerical overseers, called *praepositi*, began to replace them. Certainly the clerical *fossores* owed their elevation in status to the Church, but when the Roman church itself began to sell its own burial spaces directly in the mid fifth century and the catacombs became increasingly crowded (with less digging to be done), a change in the guardsmen of the catacombs also emerges in the epigraphic record. The *praepositi* appear to have replaced the *fossores* by the sixth century, and they sold burial spaces within the city while also guarding the tombs of the martyrs.³⁷⁹ These *praepositi* appear as consecrated clerics in the literature and were certainly well above the level of the gravedigger or bier carrier—acting more as curators than mortuary specialists as the spaces of the catacombs filled to capacity. The catacombs would eventually come to encompass sixty burials grounds networked outwards from the city to accommodate around six million people, with the Church dominating the real estate within

³⁷⁷ *ICUR NS V*, 13279; Rüpke no. 2494 (1164); Guyon F51.

³⁷⁸ *ICUR NS VIII*, 21904; *ICUR NS VIII*, 21905; *ICUR NS VIII*, 21167.

³⁷⁹ Guyon 1974, 580-96.

it.³⁸⁰ It is at this time that the *fossores*, so important to the secret burial of early Christians, began to be phased out.

In terms of whether Rome's early catacomb administration influenced Constantine, we can only speculate. Since the republican period, workshops tied to the funeral trade employed gravediggers and bier carriers; this was not an innovation of Constantine. His burial scheme as detailed in the following section was rather an attempt at a greater administration and organization for burials than even Rome had ever seen. In the transition from the third to the fourth century, associations of Christians turned to the *fossores*—men who had acquired prestige from their burial of the bones of early martyrs—and began to employ increasingly larger numbers of funeral workers in order to ensure a specifically Christian burial for their members. Eventually, some dioceses began to co-opt these workers into the clerical orders. When the Church acquired Constantine as its *patronus*, even the lowest clerical orders benefited, and as liturgical exemptions recorded in the decrees of Justinian and others indicate, the *beneficia* bestowed on clerical positions—even that of gravedigger—became increasingly attractive.

2.2 *The Leticarii and Decani of Constantinople*

Literary evidence and the presence of the *fossores* at Rome suggest that associations of funeral workers connected to the Church predated the emperor Constantine. Furthermore, the acclaim of the *fossores* as buriers of the martyrs during the persecutions makes it possible that Constantine used these craftsmen as a model for his own burial scheme. Following his adoption of Christianity, he embarked on a social welfare program to be employed within his

³⁸⁰ Shaw, 1996: 101.

model city, Constantinople, meant to exemplify Christian ideals of charity. One of the components of this plan was the provision of burials to all residents, even if they could not afford the costs. The burial of the poor was certainly a Christian ideal, and, as Tertullian tells us, the church at Carthage had collected dues from the Christian congregation to offset the burial costs for the indigent.³⁸¹ Constantine's scheme was an attempt to expand traditional Christian charity on a grand scale, but it had numerous overlooked implications.

Constantine's scheme established that 950 trade workshops in Constantinople would provide funeral workers assembled into *collegia* for the Church's use, and in return, these workshops were given exemption from *munera* and a quasi-clerical status.³⁸² Modifications were subsequently made to Constantine's original plan; pivotal additions were Anastasius' increase in the number of exempted workshops from 950 to 1100, and his allocation of state land to Church officials in order to defray burial costs and fund the program. The *Novels* reveal that, by the reign of Justinian, the system needed to be modified yet again as well as protected from the rampant corruption that apparently plagued the burial system in Constantinople. However the scheme is notable in that it created a united order of funeral workers in Constantinople and endowed bishops with patronage over these associations. The transference of the powers of patronage away from imperial administrators and into the hands of bishops was a pivotal trend in late antiquity that transferred popular relationships from state figures to religious leaders.

The importance of Constantine's burial scheme, which provided tax exemptions and clerical status in order to attract and maintain funeral workers, namely the *lecticarii* and the

³⁸¹ Tert. *Apol.* 39.5-6.

³⁸² In terms of their status, a law of 445 CE indicates they received the same exemptions from taxes as clerics and were lumped in with *clerici* and other ecclesiastical workers (*Cod. Theod.* 1.3.22).

decani, was its codification of a funerary system that was overseen by the local church and supported by the state. Constantine's system provided a paradigm for the provinces, and increased the number of funeral workers who enjoyed state benefits while also acquiring status as lower-level clerics. While some churches employed associations of funeral workers along the model of Constantinople, others expanded their minor orders to include groups to care for the sick and dying, such as the *parabolani* in Alexandria. Because these lower orders of clerics were not identical within sixth-century churches, where this investigation ends, it is necessary to deal with the evidence for associations of funeral workers within their own socio-cultural milieu.³⁹⁵

Prior to Constantine, *lecticarii* and *decani* were apparently already terms for funeral workers. The *lecticarii* existed in the ancient world as litter-bearers (i.e., taxis) for the elite in Roman cities; however, the term could also be applied to gravediggers, who similarly used litters to transport corpses. An epitaph of a λεκτικάριος from Phrygia dated to the mid to late third century is evidence that Christians in the East already used this term to refer to their bier-carriers prior to Constantine, and it is significant in that it indicates a strong Christian identity. The epitaph ends with a common Christian epithet of the time: θεοῦ δοῦλος ('slave of God'), in the manner that the later κοπιάτης from Galatia, John, would identify himself.³⁹⁶ Similarly, the epitaph of a δεκανός named Georgios from Corinth denotes a Christian identity and is likely from the later third century.³⁹⁷ Thus there is strong evidence that many

³⁹⁵ For female deacons and presbyters, see: Kevin Madigan and Carolyn Osiek, ed., *Ordained Women in the Early Church: A Documentary History* (Baltimore and London: Johns Hopkins University Press, 2006). On the lack of consistency in the minor orders, see: Allen E. Jones, *Social Mobility in Late Antique Gaul: Strategies and opportunities for the non-elite* (New York: Cambridge University Press, 2009), 233-46.

³⁹⁶ *MAMA IV*, 32. A *lecticarius* noted as a 'θεοῦ δοῦλος,' 250-275 CE.

³⁹⁷ *SEG XI*, 172.

churches in the East—like the church in Rome—had already begun to co-opt pallbearers and funeral directors for use in providing burials for the clergy, and perhaps for congregants.

Constantine established that these pallbearers and funeral directors be drawn from 950 workshops and given a quasi-clerical status. This conferment of status on funeral workers was in line with Constantine’s broader program of using position to denote legitimacy. The necessity to validate and promote Christianity is evident in a letter from Constantine to Anulinus, the proconsul of North Africa, as preserved by Eusebius. In it, Constantine attempts to explain that the reason for providing exemptions and benefits to the Christian clergy was to imbue legitimacy—through patronage—into a religion that was still considered disreputable.

Since it appears from many circumstances that when that religion is despised, in which is preserved the chief reverence for the most holy celestial Power, great dangers are brought upon public affairs; but that when legally adopted and observed it affords the most signal prosperity to the Roman name and remarkable felicity to all the affairs of men, through the divine beneficence, it has seemed good to me, most esteemed Anulinus, that those men who give their services with due sanctity and with constant observance of this law, to the worship of the divine religion, should receive recompense for their labors.³⁹⁸

The power of Christianity to transform even the infamous into soldiers for Christ was a seminal principle within early Christian ideology. Following the empowerment of the Church by Constantine, the Church itself was legitimized within the Roman world and hence acquired the ability to transform, dictate, and confer status.

³⁹⁸ Eus. *HE*. 10.7.1: ‘ἐπειδὴ ἐκ πλείονων πραγμάτων φαίνεται παρεξουθενθηθεῖσαν τὴν θρησκείαν ἐν ἧ ἡ κορυφαία τῆς ἀγιωτάτης ἐπουρανίου αἰδῶς φυλάττεται, μεγάλους κινδύνους ἐνηνοχῆσαι τοῖς δημοσίοις πράγμασιν αὐτὴν τε ταύτην ἐνθέσμως ἀναληφθεῖσαν καὶ φυλαττομένην μεγίστην εὐτυχίαν τῷ Ῥωμαϊκῷ ὀνόματι καὶ σύμπασιν τοῖς τῶν ἀνθρώπων πράγμασιν ἐξαίπετον εὐδαιμονίαν παρεσχηκέναι, τῶν θείων εὐεργεσιῶν τοῦτο παρεχουσῶν, ἔδοξεν ἐκείνους τοὺς ἄνδρας τοὺς τῇ ὀφειλομένῃ ἀγιότητι καὶ τῇ τοῦ νόμου τούτου παρεδρία τὰς ὑπερεσίας τὰς ἐξ αὐτῶν τῇ τῆς θείας θρησκείας θεραπείᾳ παρέχοντας τῶν καμάτων τῶν ἰδίων τὰ ἔπαθλα κομίσασθαι, Ἄνυλινε τιμιώτατε.’

In terms of the success of Constantine's burial scheme, in spite of the lofty goal of providing proper Christian burials to all, the *Novels* of Justinian and imperial laws regarding the system demonstrate that the scheme itself was flawed and suffered from corruption. A modification to Constantine's original provision came under Theodosius II. In his decree (dated to 409 or 439 CE), addressed to the city prefect, there is evidence for the problems created by Constantine's institution of federally subsidized funeral workers.

No more than 950 burial *decani* will be assigned to the holy church of this magnificent city; no one shall have power to add to or change this number or to substitute others for those who have died. No other association members (*alii corporatorum*) over and above the prescribed number shall, through intercession, by giving them immunity (from other duties) and with all power of innovation abolished, claim rights similar to those which are permitted to the holy church in its honor or for its necessary service.³⁹⁹

Theodosius reduced the numbers of *decani* drawn from the workshops within the city, but problems with *decani* impersonators persisted.⁴⁰⁰ Likely in line with the population growth, Anastasius, in turn, increased the number of funeral workers to 1,100 and developed a system wherein 800 workshops would contribute a pallbearer and funeral director responsible to the bishop, while 300 other workshops would contribute to the Church the funds to pay the *lecticarii*, *decani*, and other personnel required for a funeral.⁴⁰¹ Despite the provisions and continued modifications, Justinian would indicate continued fraud within the scheme.

As I will now investigate, while the system was certainly corrupt, the significance of investigating it is perhaps not in particularizing its flaws, but rather in recognizing its role as

³⁹⁹ *Cod. Just.* 1.2.4: 'Imperatores Honorius, Theodosius. Non plures quam nongenti quinquaginta decani sacrosanctae huius amplissimae urbis deputentur ecclesiae nullique his addendi mutandive vel in defuncti locum substituendi pateat copia: nulli alii corporatorum praeter praedictum numerum per patrocina immunitate concessa negataque omni novationis facultate similia vindicandi his, quae in honorem vel necessaria obsequia sacrosanctae ecclesiae indulta sunt.'

⁴⁰⁰ *Cod. Just.* 1.2.9.

⁴⁰¹ *Just. Nov.* 59.

a paradigm and a “shifter”. The burial plan at Constantinople provided a template for an association that socially and economically elevated funeral workers in other cities, organized burials to a greater degree within these cities, and improved hygiene. Although Samellas has criticized the plan as part of her greater argument for a failed “Christian welfare state,” we can still point to the implementation of the burial scheme as an ambitious attempt to apply the Christian ethos of universal burial to a large city. The result was the formation of new associations that changed the civic fabric, promoted greater collegial connectivity, and transformed the funeral trade in many imperial cities.⁴⁰²

2.3 *The Copiatae of Asia Minor*

ἐνθάδε κατὰ—
 κιτε ὁ δοῦλος
 τοῦ θεοῦ [Ι]ω-
 ἀνης κοπιά-
 της, ὁ πάντω-
 ν φίλος. †

A slave of God, John the gravedigger is laid here, a friend of all.⁴⁰⁴

The fourth century inscription of a Galatian κοπιάτης above is exemplary of the epitaphs for the mortuary clerics known as *copiatae* that were employed as bier-carriers and gravediggers in the fourth and fifth centuries predominantly within the region of Asia Minor. As was stated in regard to the λεκτικάριος from Phrygia, the belief in funeral workers being “slaves of God” and the use of Christian symbols are found on the epitaphs for other funeral workers, and point to a strong Christian identity; combined with legal and literary evidence,

⁴⁰² Samellas, *Death in the Eastern Mediterranean*, 275-76. For some insight into Constantine’s ambitions, note Optatus’ claim that Constantine wanted everyone to display piety and concord, and to worship in a uniform manner (Opt. app. 7.34a).

⁴⁰⁴ *JHS* XIX (1899), 98, no. 83.

indicates that in Asia Minor, these men constituted the lowest order of clerics.⁴⁰⁵ The use of *copiatae* (κοπιαταί) as a noun to describe gravediggers does not appear in literary sources until the second half of the fourth century and is only found in two texts, Pseudo-Ignatius and Epiphanius; however, decrees of 356 and 360 demonstrate the fact that these professionals were ‘*negotiatores*’ pulled from various workshops within the city.⁴⁰⁶ Furthermore, Justinian indicates that the *lecticarii* in Constantinople were synonymously termed κοπιαταί, providing further evidence that at least by the sixth century, the *lecticarii* in Constantinople were considered clerics as well.⁴⁰⁷

The epigraphic record perhaps supports the elevated status enjoyed by κοπιαταί in the mid-fourth century. It is in this period, contemporaneous to Constantius II’s provision of a clerical status and exemptions to persons called *copiatae* in a decree of 356, that the epigraphic record for the gravediggers in Asia Minor flourishes.⁴⁰⁸ These *copiatae*, referred to in the decree of 356 and 360 as *clerici* (clergy), represent the broader trend of imperial elevation of mortuary workers in the fourth century and the assimilation and elevation of these persons in many dioceses, a shift that has been consistently identified, especially in the East.⁴⁰⁹ The tax exemptions enjoyed by these clerics were evidently attractive, and caused

⁴⁰⁵ *MAMA* IV, 32. Cf. *MAMA* III, 260: † σωματοθήκη Ἀστερίου κοπ(ιάτου). †

⁴⁰⁶ Pseudo-Ignatius, written in the second half of the fourth century, cites them as a clerical order (*Ep.* 9.12), as does Epiphanius (*Haer.* III, p. 522).

⁴⁰⁷ *Just. Nov.* 59.2: ‘...ὥστε μὲν τοι μὴ ἐλάττους εἶναι τοὺς δεκανοὺς ἤτοι κοπιάτας τῶν ὀκτακοσίων.’

⁴⁰⁸ *Cod. Theod.* 13.1.1: *Imp. constantius a. et Iulianus caes. ad Taurum praefectum praetorio. negotiatores omnes protinus convenit aurum argentumque praeberere, clericos excipi tantum, qui copiatae appellantur, nec alium quemquam esse immunem ab huius collationis obsequio. dat. iiii Non. Dec.; acc. Romae viii Id. Feb. Constantio a. viiii et Iuliano caes. ii cons. (356 dec. 2).*

⁴⁰⁹ *Cod. Theod.* 16.2.15.1: *Clerici vero vel hi, quos copiatas recens usus instituit nuncupari, ita a sordidis muneribus debent immunes adque a collatione praestari, si exiguis admodum Sercimoniis tenuem sibi victum vestitumque conquirit; reliqui autem, quorum nomina negotiatorum matricula comprehendit eo tempore, quo collatio celebrata est, negotiatorum munia et pensitationes agnoscant, quippe postmodum clericorum se coetibus adregarunt. (360 [359?] Iun. 30).*

their corporations to expand beyond the limit set by the law.⁴¹⁰ As Testa notes, the initial exoneration of these clerics from taxes came as a result of their goodwill in using profit from commercial endeavors in order to aid the poor.⁴¹¹

In addition to the Christian identity and pride in their professional designation, inscriptions for the κοπιατὰὶ demonstrate the various trade backgrounds and associative identities of these workers. As Hübner has pointed out, tradesmen often served alternately as clerics within communities, and thus there survives evidence for a cider merchant who was also a subdeacon, and for a potter who also served as a presbyter.⁴¹² Two epitaphs from Korykos in Cilicia point to the fact that a miller and a tax collector both served as a κοπιότης in the community.⁴¹³ Besides their various merchant backgrounds, the epitaphs, such as the one below, also from Cilicia, indicate a strong group identity among these men.

Γηρασίμου καὶ [Β]αρίσμου καὶ Χρυσο[μ]άλλου κοπιατῶν.

Gerasimos and Barsimos and Chrysomallos, *copiatae*.⁴¹⁴

This associative identity, seen among the epitaphs for the *fossores* as well, indicates a relationship with the subgroup of buriers and to the larger organization, the Church. The strong group identity between clerical buriers is an important feature in the epitaphs of Christian funerary workers, one, I would argue, which aided the bishops in mobilizing these

⁴¹⁰ Cf. *Cod. Theod.* 16.2.14.

⁴¹¹ Rita Lizzi Testa, "The Bishop, *Vir Venerabilis*: Fiscal privileges and *status* definition in late antiquity," in *Studia Patristica XXXIV: Papers presented at the thirteenth international conference on patristic studies held in Oxford 1999*, edited by M.F. Wiles and E.J. Yarnold (Leuven: Peeters, 2001), 138.

⁴¹² Sabine Hübner, *Der Klerus in der Gesellschaft des spätantiken Kleinasien*. *Alturtumwissenschaftliches Kolloquium 15* (Munich: Franz Steiner Verlag, 2005), 131. For the *copiatae*, see especially 131; 34-36.

⁴¹³ *MAMA III*, 667.

⁴¹⁴ *MAMA III*, 294.

associations when needed—a fact that we will investigate when discussing the role of the bishop as a *patronus* to funerary corporations.

2.4. Alexandria and the *Parabolani*

As noted in Chapter Four, Egypt had, for thousands of years, supported a highly organized funeral trade that was overseen by a head priest, employed hundreds of skilled artisans, and maintained its necropolis trade into late antiquity. The workshops and funeral trade within Egyptian necropoleis is notable in that in Roman Egypt—as in Italy—funeral workers were viewed as polluted professionals. Yet out of the Alexandrian church’s necessity for specialized persons to care for the sick and to dispose of bodies from hospitals, a group named the *parabolani* or παράβολοι (‘those who undergo danger’) was formed and placed under the direction of the bishop, probably in the late fourth century. The *parabolani* were a group to become traditionally cited for their brutality and use by the bishop Cyril as a gang within the city of Alexandria; however, they, like the *lecticarii* and *decani* in Constantinople, represent a key ecclesiastical association newly interwoven into the civic fabric.⁴¹⁵ Like the *copiatae*, these *parabolani* are cited within the Theodosian Code as clerics.⁴¹⁶

A comparison with the necropolis trade of Egypt outlined in Chapter Four, indicates that the associative structure of funeral workers was not all that different from the

⁴¹⁵ They are often used as an illustration of the increase in violence in late antiquity. See especially Peter Brown, *Power and Persuasion in Late Antiquity: Towards a Christian empire* (Madison, Wisconsin: University of Wisconsin Press, 1992), 103-104, 113-15.

⁴¹⁶ *Cod. Theod.* 16.2.42.pr: *Idem aa. Monaxio praefecto praetorio. Quia inter cetera Alexandrinae legationis inutilia hoc etiam decretis scriptum est, ut reverentissimus episcopus de Alexandrina civitate aliquas non exire, quod quidem terrore eorum, qui Parabalani nuncupantur, legationi insertum est, placet nostrae clementiae, ut nihil commune clerici cum publicis actibus vel ad curiam pertinentibus habeant. (416 sept. 29).*

νεκροτάφοι, except for their shift in status and patronage. The Egyptian priests who oversaw necropoleis and the large number of funeral workshops and workers are similar to the bishops who directed the *parabolani*. In terms of reputation, the *parabolani* became notorious for gang violence under the direction of their bishop-patrons, but still served an important civic function.⁴¹⁷ Laws from the beginning of the fifth century—when, as we will see, the *parabolani* began to be associated with numerous civil disturbances—ruled that the *parabolani* could only be drawn from the lower classes. This restriction perhaps shows that while technically clerics, the esteem held for gravediggers and bier-carriers in early Christianity was in some areas regressing, reverting back to a vocation reserved for the poor.⁴¹⁸ The notorious actions of the *parabolani* at the Council of Ephesus (449), examined below, appear to have overshadowed their civic work; however, a list of offices from the sixth or seventh century does record their continued use, as well as the employment of *lecticarii* to carry biers, within the city of Alexandria.⁴¹⁹ Though noted for their violent escapades, the *parabolani* were only one group out of many who, from the fourth century onwards, supported the healthcare and burial endeavors of Late Antique churches.

⁴¹⁷ It can only be speculated whether the murder of the philosopher Hypatia, which pagans attributed to Cyril and his gangs, was in fact carried out by the *parabolani* (Socrates, *HE*. 7.15).

⁴¹⁸ *Cod. Theod.* 16.2.42-3; *Cod. Theod.* 12.12.15. cf. Alexandre Philipsborn, “La compagnie d’ambulanciers <parabalani> d’Alexandrie,” *Byzantion* 20 (1950) 185-90 and W. Schubart, “Parabalani,” *JES* 40 (1954), 97-101.

⁴¹⁹ *P. Iand.* 8.154.

2.5. *The Decani at Aphrodisias and Ephesus*

The clerical position of *decanus* is attested in other areas within the Eastern empire, as in the cities of Aphrodisias and Ephesus.⁴²⁰ It appears that these men were essential as funeral directors, who would organize the funeral procession, and oversee the employment of the proper personnel within it. An especially interesting epitaph (Fig. 5.6) from fifth or sixth century Aphrodisias indicates that there was a growing hierarchy even among these *decani*.

⊕ [τόπος?]
Τρύφωνος
ἀρχιδεκά-
νου ⊕.

[Burial place?] of Tryphon, head funeral director⁴²¹

The find spot of the epitaph was directly outside the church at Aphrodisias, and while it cannot tell us whether the burial scheme at Aphrodisias was similar to the one in place at Constantinople, it can be said that the church in Aphrodisias was involved in the funerals of its congregation at some level. Constantine's *decani* were an expansion of the *collegium* funeral director and the neighborhood *dissignator*. In terms of the social mobility of the *decanus*, it appears (as the *dissignator* differed from the *vespillo*) to have far exceeded that of the *lecticarius*.

⁴²⁰ The *decani* (δεκανοί) were originally the soldiers that commanded *contubernia* (cf. *RE* IV, s.v. *Decanus*, [Fiebigler], 2245-6) in the military. The name *decanus* is derived from the fact that each tent held 8-10 men. In the later empire, the term came to mean an overseer or funeral director, though it is unclear whether only ten men served under the *decanus* at one time.

⁴²¹ Christian *topos* inscription of Tryphon *archideka[nos]*; Christian; found at Aphrodisias: Reinach, *REG* 19, 1906, 298, no.218.1; Charlotte Roueché, *Aphrodisias in Late Antiquity*, n. 188, ll.1-4.



Figure 5.6: White marble column erected for the ἀρχιδέκανος ‘chief funeral director’ Tryphon, at Aphrodisias in the temenos of the church. (Roueché, *Aphrodisias in Late Antiquity*, no. 188).

Analogous to their role in Aphrodisias, there is evidence for the use of clerical funeral directors termed *decani* in other key urban centers in the East. In the year 530, Hypatius, the bishop of Ephesus, set up a decree in the narthex of his church explaining the Church’s responsibility to bury the dead. He addressed it to the Christians and invoked the well-known story of Joseph of Arimathea’s giving of the last rites to Jesus. He then commented on the piety of performing burial:

If then someone takes care of this sacred service and honors, thus, our brothers who have found rest before us he should know that by doing this he honors the Lord. Therefore our most holy church of the glorious Theotokos, of the eternally virgin Mary, has provided for their decent burial and has decreed that the pious *dekanoi* and

the extremely devout *kanonikai* that have been assigned to this service will obtain relief from its property.⁴²²

Hypatius warns that those who overcharge for funerals will be fined, in effect commenting on the corruption in Constantinople and Ephesus. As a powerful diplomat and religious figure in the East, Hypatius was following Justinian and his predecessors in attempting to rid the funeral trade of corruption. It appears that Ephesus, like Constantinople, gave a dispensation to the *dekanoi* and *kanonikai* within the city in order that they provide burials. Especially in need of this service were the poor and the foreign visitors who died while visiting the city; however, as in Constantinople, there is evidence for abuse of these burial dispensations.

While epitaphs can be used to portray the personal identity and voluntary associations of the funeral workers we have recognized in Rome, Constantinople, Asia Minor, and Alexandria, these inscriptions do not communicate many of the other social and political problems they appear to have been a part of. Thus inscriptions from Ephesus record the existence of the *decani* that served within the city, but do not provide insight into the tax abuse and extortionate funeral prices there that eventually compelled Hypatius to inscribe such a visible reminder of Christian duty.⁴²³ Hypatius' decree then provides a glimpse into both the ideal and the reality of sixth century Ephesus, and provides evidence that the reputation of clerical funeral workers within the city of Ephesus—though lauded as

⁴²² Donald F. McCabe, R Neil Elliott, Allen Hilton Kang Na, and Calvin Redmond, *Ephesos Inscriptions. Texts and List*. The Princeton Project on the Inscriptions of Anatolia, (Princeton: The Institute for Advanced Study, 1991), 2917.14-24: 'εἴ τις οὖν ἐπιμελησεῖη τὴν ὁσίαν ταύτην θεραπείαν τε καὶ τιμὴν ἐπὶ τοῖς προαναπασασμένοις ἡμῶν ἀδελφοῖς, γινώσκω ταῦτα περὶ τὸν Κύριον ποιῶν· καὶ γὰρ καὶ ἡ ἀγιωτάτη ἡμῶν ἐκκλησία τῆς παναγίας ἐνδόξου θεοτόκου καὶ ἀειπαρθένου Ἁμαρίας καὶ τῆς τιμίας αὐτῶν ἐκφορᾶς προενόησεν καὶ τοὺς εἰς τοῦτο διακονομένους εὐαγεῖς δεκανοὺς καὶ τὰς εὐλαβεστάτας κανονικὰς παραμύθειαν ἔχειν ἐκ τῶν ἑαυτῆς διετύπωσεν πραγμάτων...' Translation: Samellas, *Death in the Eastern Mediterranean*, 259. Also cf. Dagron 1991, 168.

⁴²³ *I Eph.* 2314: 'αὕτη ἡ σωρὼς δια-/φέρει Τρύφω-/νι δεκανῶ, κὲ λίθ-/ω ἔωθ...; *I Eph.* 2409: ⚡ ἐρώιον δ[ιαφέρον —]/ δεκανο[ῦ —]/ θήκ[η —].'

‘διακονουμένους εὐαγεῖς δεκανοὺς καὶ τὰς εὐλαβεστάτας κανονικὰς’ by Hypatius—had in reality perhaps been sullied by accusations of extortion much in the way that the *decani* and *lecticarii* at Constantinople had. The inscription of Hypatius resonates within the context of corruption that is discussed in the next section of this chapter. While I have established the growth of associations of clerical funeral workers especially within Eastern cities, I will now consider the role of the bishop-patron in directing these associations, the growth of the funeral market in the Late Antiquity, and the part that the Church and its funeral workers played within this increasingly lucrative commercial sphere.

3. Funeral Workers, the Church, and the Funeral Trade in Late Antiquity

While associations of funeral workers connected to the Church predated Constantine, the emperor placed the Church in a pivotal role within the organization of the funeral trade at Constantinople, making it an arch-*dissignator* of burials and overseer of large associations of workers. As such, he created a more networked burial community within the city that appears to have inspired the organization of burial schemes in places such as Antioch and Ephesus. I will now shift our focus to examine the effect that Constantine’s scheme had in terms of patronage, and to investigate the increasing significance of burial placement and the selling of burial spaces in Late Antiquity, especially in regard to a phenomenon called the “Cult of the Saints”. As was indicated in Chapter Four, the acts of the martyrs and hagiography helped to reinforce the initial burial duty and funerary network; later, bishops hired continually larger staffs in order to implement this network within expanding Christian communities. Mortuary workers never achieved great prominence within the Church, but they did achieve an improved social position that stemmed from early Christianity. While

these persons continued to perform many of the same duties they had before Christendom, they were liminal men in another sense, betwixt and between the commercial and clerical worlds and dependent on bishops for their employment and status.

Constantine's scheme was certainly an imperfect system that, as indicated by the *Novels* and Late Antique law codes, was manipulated by its participants. They include both bishops and funeral workers. Besides the elevation in status that has been established, the effect of the creation of *ordines* of funeral workers is twofold: first, it is related to a change in the bishop-patron relationship, which created the potential to use these persons as gangs under the leadership of the bishop; second, it is related to the systemic corruption in the trade made possible by status-seeking individuals who wanted to be buried near saints. As will now be shown, the cyclical status change, which swung back to low or poor status in some areas, was likely the result of one or more systemic issues. The rapid administrative and social expansion of the Church caused the assimilation of large groups of workers directed by bishops who, in some areas, abused their funeral *clientes*. The Church became increasingly involved in the funeral trade (particularly in designating *ad sanctos* burials) and thus distanced itself from the more charitable view of burials within the second and third centuries; funeral workers engaged in tax fraud and extortion.

3.1 Bishop and patron: funeral workers as personal gangs

In Late Antiquity, there are numerous examples of funeral associations used as personal militias by their bishop-patrons. Perhaps the earliest instance is the bishop Damasus, who hired factions of arena workers (*arenarii*), charioteers (*quadrigarii*), and gravediggers (*fossores*) in 366 CE to storm the *basilica Iulii* and the *basilica Liberii* in a coup to overthrow

Ursinus, the current bishop of Rome.⁴²⁴ The subsequent raid resulted in the death of 137 of Ursinus' supporters, the overthrow of the bishop, and the establishment of Damasus as the new bishop of Rome. Ammianus' account of Damasus' coup perhaps offers a broader insight into the competitive political tensions and elevation of the bishop in Late Antique cities, since, in his view, the bishop's use of force was undertaken in the hopes of obtaining the wealth and status that came with the bishopric of Rome.⁴²⁵ Upon attaining the office, Ammianus claims that popes could expect to be: "enriched from the offerings of matrons, ride seated in carriages, wearing clothing chosen with care, and serve banquets so lavish that their entertainments outdo the tables of kings."⁴²⁶ As a means of attaining such an office, ambitious clergymen in Late Antiquity appear to have sometimes relied upon the lower-level funeral professionals that they had come to patronize. The creation of large civic associations put under the direction of the bishop as *patronus* often established the bishop as the benefactor to many lower-level workers and endowed the bishop with a strong client base. At times, Late Antique bishops used these civic associations—particularly associations of funeral workers—in violent attempts to assert their power.

Since the first century, Christian bishops had billed themselves as the champions of the poor, and in Late Antiquity, these persons were often called upon for popular support. As a result of this benefaction and Constantine's shift of patronage responsibilities from administrators to ecclesiastical leaders, by the end of the fourth century, bishops had become

⁴²⁴ Damasus: *Collectio Avellana*, I, 7=CSEL 35.3: 'tunc Damasus cum perfidis inuitat arenarios quadrigarios et fossores omnemque clerum cum securibus gladiis et fustibus et obsedit basilicam hora diei secunda septimo Kalendarum Nouembrium die Gratiano et Dagalaifo cons. et graue proelium concitauit.'

⁴²⁵ Amm. Marc. *Res Gest.* 27.3.12-13.

⁴²⁶ Amm. Marc. *Res Gest.* 27.3.14. '...ut ditentur oblationibus matronarum, procedantque vehiculis insidentes circumspecte vestiti, epulas curantes profusas adeo ut eorum convivia regales superent mensas.'

powerful patrons to civic associations and the urban poor, and could command large crowds.⁴²⁷ As Peter Brown pointed out in his study of power and persuasion in Late Antiquity, the bishop quelled social unrest by exercising power over the fringe groups of the poor.⁴²⁸ Within many Late Antique communities, the bishop became the arch-patron; a figure that subsumed the duties of providing euergetism and *beneficia* once considered the *officium* of duovirs and other leading men and women within a city. As the head of the episcopate of Constantinople, the archbishop thereby became patron to an estimated 2,000 *clerici* by the mid fourth century—including the 1,100 *decani* and *lecticarii* put under his direction by Constantine.⁴²⁹ Bishops in Constantinople, Alexandria, and throughout the empire played a dual role as religious leader and patron to thousands of clerics and laity, who depended upon them economically and socially.

Textual and legal evidence indicates that bishops often established strong patron-client relationships with gravediggers, the personnel who worked with the sick, and other funeral workers such as mourners and musicians—much in the way that the *dissignator* appeared as a central patron among the *collegia* within the funeral trade at Rome. Norton has noted that the poor were particularly indebted to the church for employment: “From prestigious positions (such as a steward) involved with the financial management of the church down to the lowly doorkeepers and gravediggers.”⁴³⁰ The Church was indeed a social

⁴²⁷ Note Ambrose’s comment that bishops were: “controllers of crowds, the keen upholders of peace, unless, of course, they are moved by insults to God and to His Church” (*Ep.* 40.6). cf. Peter Brown, *Power and Persuasion in Late Antiquity: Towards a Christian empire* (Madison: University of Wisconsin Press, 1992), 71-117. Note especially: 103-104.

⁴²⁸ *Ibid.* 77-78.

⁴²⁹ Peter Norton, *Episcopal Elections 250-600: Hierarchy and popular will in late antiquity* (Oxford; New York: Oxford University Press, 2007) 69. Norton accounts for the clerics under the bishop at Constantinople by the end of the fourth century.

⁴³⁰ Peter Norton, *Episcopal Elections 250-600: Hierarchy and popular will in late antiquity* (Oxford University Press, 2007), 69.

vehicle, but for those formerly disreputable it remains to be considered whether there was a stronger dependency on a bishop in order to maintain this elevated status. Could it be that bishops favored funeral workers for their dependency on them for status as well as their physical abilities?

In addition to Damasus' use of *fossores*, there are numerous other examples of bishops using funeral workers to carry out their agenda. In 416 CE, the *parabolani* of Alexandria were notoriously used in the feud between Cyril, the Bishop of Alexandria, and Orestes, an imperial administrator, as a personal gang for the bishop. In reaction to Cyril's use of these workers in acts of violence against his opponents, the Alexandrians sent a deputation to Theodosius II, who in turn sent a rescript to Monaxius, the prefect of the praetorium, instructing that the *parabolani* be put under the state's power, and not the bishop's; furthermore, the emperor capped the association at 500 men and stipulated that they be chosen from the poorer classes.⁴³¹ The *parabolani* were not successfully placed under secular authority, however, and within two years their numbers were increased to 600. They were placed back under a patriarch of the Church and reestablished patronage bonds with officials within the Church at Alexandria.⁴³² Cyril's successor, Dioscorus, would become well known for using the *parabolani* at the Council of Ephesus in 449 CE as a type of bodyguard that would violently force bishops to sign a resolution against Flavian and Eusebius in accordance with Dioscorus' wishes. Later, the violent acts at the Council would be given the ignominious name of *Latrocinium* ('The Robber Council'), and Flavian would

⁴³¹ *Cod. Theod.* 16.2.42pr.: ... *ut nihil commune clerici cum publicis actibus vel ad curiam pertinentibus habeant.* (416 sept. 29). *Cod. Theod.* 16.2.42.1: *Praeterea eos, qui parabalani vocantur non plus quam quingentos esse praecipimus, ita ut non divites et qui hunc locum redimant, sed pauperes a corporatis pro rata alexandrini populi praebeantur, eorum nominibus viro spectabili praefecto augustali videlicet intimatis et per eum ad vestram magnitudinem referendis.* (416 sept. 29).

⁴³² *Cod. Theod.* 16.2.43.

die from the injuries sustained from his beatings. As a result, the *parabolani* gained a reputation for thuggish behavior and violence that appears to have conjured fear among citizens rather than clerical deference.

Elsewhere in the Greek East, it was the funeral workers termed *lecticarii* that became infamous for their violent acts. In the *Life of Alexander Akoimetos*, an Antiochene subdeacon approached the bishop of the city to ask whether he could drive out Alexander—viewed as a pesky monk who was subverting the power of the local clergy in late fourth or early fifth century Antioch. The subdeacon then used the *lecticarii* under the direction of the patriarch in order to overcome the monk and his supporters among the urban poor.⁴³³ As the *parabolani* in Alexandria formed a personal militia, the *lecticarii* were apparently used to keep order in Antioch and to promote their bishop-patrons in synods. It appears that from the fourth century funeral workers in many cities performed more than just burial duties on behalf of the Church.⁴³⁴

This abuse of the associations of mortuary workers was well known and a source of concern to emperors such as Justinian. In his *Novels*, he warned that a funerary *collegium* could be taken away if it extended undue patronage in the form of military protection: “For as each one looks out for his own interests, it is necessary for us to look out for the interest and advantage of this great imperial city.”⁴³⁵ The mortuary *ordines*, many of which had initially been formed in order to provide burials free or at greatly reduced cost to Christians, were again returned to a highly vulnerable state. Although disreputable mortuary workers

⁴³³ Daniel Caner, *Wandering, Begging Monks: Spiritual authority and the promotion of monasticism in Late Antiquity*. The Transformation of the Classical Heritage 33 (Berkeley and Los Angeles: University of California Press, 2002), 273, sec. 40-41 [689-99].

⁴³⁴ Brown 1992, 102-103.

⁴³⁵ *Nov.* 43.3. ‘*Sicut enim unusquisque sui providet, ita et nos necesse est quod commodum est et utile magna huic regiae defendere civitati.*’

had once been vulnerable to legal persecution and were without status, they now stood in the precarious position of being dependent on the Church to maintain their status and benefits. As a result, these associations began to identify with the ideology of the bishop rather than the ideology of charity within the Church, and with this shift, the status of many mortuary associations again began to fall into disrepute. Their association with violence is then one reason for their demotion in status, but another possible reason for their increased disrepute involves the growth of the funeral trade in Late Antiquity and the increased competition to attain burial spaces next to saints.

3.2. *Funeral workers, the Church, and the selling of tombs*

*Ser<pe>ntiu
s emit loc(u)
m a Quinto
fossore ad
san(c)tum Cor/nelium.*

Serpentius bought from Quintus the *fossor* a grave near St. Cornelius.⁴³⁶

For all the differentiation in clergy and personnel throughout the empire, there were consistencies in the funeral markets at play within the Roman empire: namely, the growth of cemeteries and the increasing hunger for *ad sanctos* burials. As cemeteries became crowded and the cities of the dead progressively more status-driven, the desire for a position next to a saint's body or relic helped to fuel a strong funeral trade that by the fifth century was controlled predominantly by the Church in many cities. This development was achieved through the bishops' control over large bands of funeral workers and the Church's ownership of numerous burial areas. The increasingly commercial—as opposed to charitable—provision

⁴³⁶ *ICUR* NS IV, 9441 = *ILCV* 2131.

of burials, I propose, ultimately undermined the earlier, more positive construction of the Christian gravedigger explored in Chapter Four, one that had been based on the ideal models of Joseph of Arimathea and Christ. The motivation of profit over piety likely set back the rehabilitation of the status of the gravedigger, returning him to be a profiteer rather than a “slave of Christ”, and prompting Hypatius to remind the funeral directors in Ephesus that taking care of the dead was a sacred service undertaken to honor the lord—not to turn a profit.

In attempting to understand the increased organization of the funeral trade in Late Antiquity, Brown’s analogy of the role of the bishop within the cult of the saints presents an apt illustration. In his discussion of Ambrose’s introduction of the cult of the martyrs in Milan, Brown notes that the bishop was: “like an electrician who rewires an antiquated wiring system: more power could pass through stronger, better insulated wires toward the bishop as the leader of the community.”⁴³⁷ We should perhaps think of the *decani* who organized funerals in Constantinople, the *fossores* who protected and decorated the catacombs in Rome, and the *copiatae* in Asia Minor as the assistants to the arch-electrician: the bishop. Focus on this ‘rewiring’ has been biased towards the establishers of the network—the bishops—rather than the executors and protectors of it, yet as I will now propose, these funeral workers were integral to the function of the funeral trade as a whole. While they profited from the growth of the cult, the increased commodification of burial spaces involved them in a profitable business that was far removed from the pious work associated with the early Christian buriers who sought to provide dignified burials to the poor and to the martyrs.

⁴³⁷ Brown, *Cult of the Saints*, 37.

Even before the Church dominated the real estate market for burials, it supplied funeral equipment such as shrouds and biers. As seen in Rome and in Alexandria, members of the clergy increasingly began to realize the commercial opportunities presented by death and burial. George of Alexandria, the Bishop of Alexandria appointed by Constantius, was accused of funeral extortion in the fourth century by limiting the number of biers for the dead and dying, and by ordering that only his officials were allowed to carry out bodies.⁴³⁸ Epiphanius claimed that George did this so as to turn a profit on the corpses being buried. In 361, mob violence broke out as a result of the bishop's extortion and general oppression. He was assassinated, and his mutilated body was loaded on a camel and taken to the beach, where it was burned and the ashes then thrown into the sea.⁴³⁹ As George of Alexandria illustrates, the Christian church in many areas began to become an integral part of the funeral trade, and to manipulate the system.

The Church's involvement in the burial market, as Marios Costambeys has illustrated, eventually allowed it to dominate the management of the dead, particularly through the provision of goods (e.g. burial spaces and shrouds) and services (e.g., gravedigging and bier carrying).⁴⁴⁰ Further, the Church became entrenched in the civic order, as "The treatment of the dead saw originally civic rituals and institutions gradually coalesce with those of the Church."⁴⁴¹ Textual evidence indicates that the Church still involved itself in the burial of the poor, but it had a significant commercial stake in many burials within imperial cities as well.

⁴³⁸ Epiph. *Panarion*, "Against Anomoeans," 3.76.1.6-7: ' Trans. Frank Williams. *The Panarion of Epiphanius of Salamis: Books II and III (sects 47-80, De Fide)* Nag Hammadi and Manichaean studies 36 (Leiden, New York: E.J. Brill, 1994), 498.

⁴³⁹ Amm. Marcell. 22.11.10.

⁴⁴⁰ Marios Costambeys, "Burial topography and the power of the Church in fifth- and sixth-century Rome," *PBSR* 69 (2001), 169-89. See especially 170.

⁴⁴¹ *Ibid.* 182.

Relics and saints, possessions often controlled by the Church, were increasingly used as key selling points to lure pilgrims and to attract buyers who desired burial *intra limina sanctorum*. As Prudentius noted, the city of Rome was indeed rich in saints' tombs: "Scarce is known in that far land, how rich is Rome in tombs of saints, how fruitful is her kindly soil in consecrated sepulchers;" however, an epitaph from 381 CE characterizes the competition to inhabit these rich lands and the vacant spots available within them: "... (a sepulcher) within the boundaries of the saints, a thing which many desire and few obtain."⁴⁴² By the fourth century, burial position could denote status, and funeral workers were essential in maintaining this hierarchy of the dead within burial areas.

Funeral workers were often the agents entrusted with the task of interring a body in its proper spot next to a saint. An inscription usually denoted the specific position of the deceased. An early fourth century epitaph for an infant named Julia Florentina notes that "her body was buried in its tomb by the presbyter near the Martyrs' tombs on October 9."⁴⁴³ As this epitaph indicates, the demand for burials near saints was already in full swing by the late fourth century, and in some places, the Church—through various types of personnel—was heavily involved. The inscription essentially notarized a contract for these *ad sanctos* burials and held the presbyter, *fossor*, or other worker responsible. Another such inscription notes that two women, Valeria and Sabina "during their lifetime, bought a place for two bodies from Apro and Victor in the new crypt behind the saints."⁴⁴⁴ These contracts, literally written

⁴⁴² Prudent. *Perist.* 2.541-4: '*Vix fama nota est, abditis/ quam plena sanctis Roma sit,/ quam diues urbanum solum/ sacris sepulcris floreat.*'; *ICUR* NS I, 3127: '*... quod multi cupiunt et rari accipiunt*'

⁴⁴³ *CIL* X 7112=*ILCV* I 1549: '*...cuius corpus pro foribus martyrorum cum / loculo suo per presbiterum humatu(m) e(st) IIII Non(as) Oct(o)br(es).*

⁴⁴⁴ *ICUR* VII, 19432 = *ILCV* 2153: '*In cr<y=V>pta no<v=B>a retro san<ctus> emeru<nt=M> se vivas Baler/a et Sabina (e)meru<nt=M> loc/u(m) biso<um=NI> ab Apronte et a / Biatore.*

in stone, were an attempt to assure the safety of a tomb, a growing apprehension in the catacombs at that time.

As this frenzy for burial spaces near saints raged—with tombs squeezed into overpopulated areas and burial places reopened in order to fit more burials—there appears a new attitude of suspicion towards the sellers of the tomb and the workers within them. An inscription from Rome warns a *fossor* not to engage in such impious behavior as creating a double burial:

To the Spirits of the Dead. Aurelis Niceta made this [tomb] for his well deserving daughter, Aurelia Aeliana. Beware, gravedigger, do not dig here.
God has a mighty eye and beware, you too have children.⁴⁴⁵

As the protector of tombs, the gravedigger again became the default object of suspicion when there were tales of tomb resale. As they had in the earlier empire, law codes attempted to stop graves from being dug up by gravediggers and other persons in order to bury new bodies, a scene glimpsed in Sidonius' letter to his nephew around 467, which recounted how he had viewed his grandfather's tomb being dug up by gravediggers to make way for a new burial.⁴⁴⁶ As it had been in the republic and empire, tomb desecration was a continual problem; however, prestigious burials near saints were particularly vulnerable.

The desire for *ad sanctos* burials was, by the fifth century, so strong that Augustine felt compelled to address the problem in a treatise titled *De Cura Pro Mortuis*, which was

⁴⁴⁵ CIL VI, 34635a= ILS 8195 = ILCV 3877: *D(is) M(anibus) / Aurelius Nice/ta Aureliae Aeli/aneti filiae bene / merenti fecit / fossor vide ne / fodias deus ma/gnu(m) oc(u)lu(m) (h)abet vi/de et tu filios (h)abes* Late fourth, early fifth century.

⁴⁴⁶ Sid. Apoll. Ep. 3.12.1: "The cemetery had for years been overcrowded with burned and unburned burials, and interment there had long ceased...This explained how it was that some undertaker's men presumed to profane the spot with their grave-digging tools just as if it were unoccupied by human bodies" (*'campus autem ipse dudum refertus tam bustualibus favillis quam cadaveribus nullam iam diu scrobem recipiebat...quae fuit causa, ut locum auderent tamquam vacantem corporum baiuli rastris funebribus impiare.'*).

written in response to a letter he received asking him what was to be gained by being buried next to a saint. Augustine noted that nothing was to be gained from being buried next to a saint or martyr except the prayers given at feasts held near the saints on certain days of the year; his treatise appears an honest yet ineffective attempt to defuse this status symbol.⁴⁴⁷ Even as the Church began to involve itself in the selling of burial spaces in Rome and elsewhere, corruption continued to abound in the funeral trade—a fact that reflected poorly on both the Church and its mortuary workers. Writing to Januarius, the bishop of Caralis, at the end of the sixth century, Pope Gregory stated that a complaint had reached him from an elite Christian woman living within Januarius’ bishopric in Sardinia stating that he was exacting exorbitant prices for performing burials.⁴⁴⁸ Januarius was accused not only of inflating burial costs, but also of *schadenfreude*—a common accusation hurled at imperial Roman funeral directors—due to his profit from the death of others. According to Gregory, it was not in either the Jewish or Christian spirit to exact a profit from burial, and the pope further admonished the bishop to stop extorting not only grieving parishioners but also strangers.⁴⁴⁹ These cases all bear striking resemblance to the problem of extortionate burial prices that persisted in Constantinople even in the sixth century.⁴⁵⁰

⁴⁴⁷ Aug. *De Cur. Pro Mort.* 6.

⁴⁴⁸ Gr.M. *Ep.* 9.3.

⁴⁴⁹ Gregory cites the case in Genesis (xxiii) of Ephron, who refused to charge Abraham for a sepulcher lest he be accused of making a profit off the burial.

⁴⁵⁰ *Nov.* 59.pr. (AD 537): “Now many, from various places, have come before us, complaining that no equality is being observed in this matter; that the burial of deceased persons is not being made free of charge, but that the expenses (thereof) are being harshly collected and that there are many other persons and guilds collecting (the expenses) from people that the deceased left behind and making those who have nothing pay...” (*‘plurimi plerumque adierunt nos dicentes non similiter causam procedere neque sine mercede fieri defunctorum exequias, sed exigi amare, et inveniri plurima foris nomina et corpora, quae etiam invitos exigunt lugentes et cogent dare non habentes.’*)

The lucrative funeral market and the competition for prime burial spots did not go unrecognized by some clerical members, who wished to reform the system. The epitaph of the archdeacon Sabinus at the entrance to the basilica of St. Lawrence in Rome indicates the high demand for *ad sanctos* burials in Late Antiquity and the attempts by some clergy to reverse the practice of paying gravediggers to place a body near a saint—even if the space was owned by another:

It profits nothing that he digs a tomb close by the tombs of the pious. It is a life of virtue, which brings him near the merits of the saints. Let us cleave to them not in body but in spirit, which will itself be the salvation of our bodies.⁴⁵¹

Augustine's treatise on the care of the dead, a contemporaneous text, also warned others not to value positions near the saint so highly; his was one of many such theological treatises written to try and defuse the fervor over the cult of the saints. For other bishops, the growth of the cult of the saints was an opportunity. A great patron of the *fossarii* in Rome was also the man who initially and heavily promoted the growth of the cult of the saints in the city: Bishop Damasus (366-84 CE).⁴⁵² The existence of this patronage relationship alone does not prove the clerical status of *fossores*, but it does support an argument for a strong affiliation between the bishop and associations in the catacombs.

The "Cult of the Saints" is a widely attested phenomenon in Late Antiquity; however, little attention has been paid to the lower-level personnel who facilitated and exploited the cult for their own financial gain, and who aided many churches in their extension into the

⁴⁵¹ *ICUR NS VII, 18017=ILCV 1194*: '... *nil iuvat immo gravat tumulis haerere piorum / sanctorum meritis optima vita prope est / corpore non opus est anima tendamus ad illos / quae bene salva potest corporis esse ...*'

⁴⁵² Damasus placed *carmina* on saints' tombs, decorated others, and promoted the tombs of St. Paul and Peter. For Damasus' focus on tombs, see Alan Thacker, "Rome of the martyrs: saints, cults, and relics, fourth to seventh centuries," in *Roma Felix: Formation and reflections of medieval Rome*, Éamonn Ó Carragáin, Carol L. Neuman de Vegvar, edd. (Burlington, VT: Ashgate, 2007), 34-5.

funeral trade. The commercial endeavors of the Church were not limited to the funerary market, and it was always difficult to reconcile the ecclesiastical and commercial spheres. Unlike their pagan predecessors, however, the funerary personnel within the increasingly Christian world of the later fourth century were endowed with a new status, yet fettered by greater moral expectation. It was indeed difficult to espouse the Christian ideals of philanthropy and universal burial, while also tapping into the enticing commercial opportunities provided by a funerary market fueled by the elite demand for *ad sanctos* burials. Martyrologies, hagiography, and patristic writing had cleansed the gravedigger of his former sins; even so, the corrupting power of money helped to tarnish the reputation of the gravedigger once again. The return of the gravedigger to the status of profiteer is a final trend among Late Antique funeral workers: the abuse of the privileges given them by the state.

The Late Antique legal evidence provides a glimpse at the problems that plagued the state's system of providing exemptions and benefits to those that undertook burials for the Church. An imperial rescript from 400 CE notes the influx of persons into the clerical service in order to provide mortuary services:

Since we have learned that many persons either before their military service or after it has begun but not been completed, are hiding under the pretext of religious devotion, while they are protecting themselves by the title of clerics and are occupied in unholy obsequies for the dead, attracted not so much by the service of their religion as by their love of leisure and laziness, We permit no person at all to be exempted by such a pretext...

January 30, 400 CE ⁴⁵³

While Honorius attributes the attractive lifestyle—one filled with *otium!*—as a primary reason for the influx of clerical mortuary workers, it was more likely, as we have seen, the

⁴⁵³ *Cod. Theod.* 7.20.12.2: *Et quoniam plurimos vel ante militiam vel post inchoatam vel peractam latere obiectu piae religionis agnovimus, dum se quidam vocabulo clericorum et infaustis defunctorum obsequiis occupatos non tam observatione cultus quam otii et socordiae amore defendunt, nulli omnino tali excusari obiectione permittimus,...* (400 *ian.* 30).

tax break and relief from civic burdens that made the job more attractive. By the fifth century, in the wake of the demand for *ad sanctos* burials, the reasons for the influx perhaps included the lure to the lucrative market that had been created surrounding the saints within many churches. As the Church grew to control a continually larger portion of the burial real estate, greater financial gains could be made off of elite who wished, at any price, to place their loved one next to a saint. Although Samellas has noted that “at the lowest level of ecclesiastical hierarchy opportunities for large-scale corruption was lacking,” if the exploitation of mourning families throughout the empire is compounded and considered together, the corruption perhaps had a larger impact than previously recognized.⁴⁵⁴

In a decree of 536 CE, the emperor Justinian instructed Longinus, the city prefect of Constantinople, to exempt only the 1,100 workshops within the city of Constantinople—the 800 under contract to provide a *decanus*, *lecticarius*, or burial supplies, and 300 directed to pay into Anastasius’ fund to pay these burial attendants—from the burdens imposed on city merchants.⁴⁵⁵ Just a year and a half later, in November of 537 CE, Justinian issued a second decree concerning the funeral workers in Constantinople—one that again confirmed the limit on workshops that could receive the exemption, but supplied greater detail concerning the regulation and funding of the Christian burials in the city of Constantinople that Constantine had first established.⁴⁵⁶ This second decree was sent to the praetorian prefect of the East and

⁴⁵⁴ Samellas, *Death in the Eastern Mediterranean*, 275.

⁴⁵⁵ Just. Nov. 43. The urban prefect of Constantinople appears to have been in charge of the *systemata* (associations) of craftsmen connected to the many workshops—*officinae* or *ergasteria*—within the city. A decree of 391 CE establishes that the city prefect was responsible for knowing all of the merchant associations in Constantinople (*Cod. Iust.* 1.28.4; cf. *Cod. Theod.* 1.10.4). Taxes: The tax burden was indeed heavy from Diocletian onwards. Exemptions awarded to *clerici* of the Church and certain other government officials were especially valuable. The original exemption here likely refers to the *collatio lustralis*, a tax imposed on merchants until Anastasius abolished it in 498 CE. Afterwards, there were still merchant taxes, but none as oppressive as the *collatio lustralis*.

⁴⁵⁶ Just. Nov. 59.

sought to set the prices paid to the workshops and to create safeguards against corruption.⁴⁵⁷

Justinian reestablished Anastasius' fund, originally intended to defray the cost of burials, employ funeral workers, and to pay the salaries of other requisite Christian funeral attendants: acolytes, *ascetriae* (female hermits), and *cannonicae*.⁴⁵⁸ Justinian lamented the many problems and corruptions of the burial system in Constantinople, yet there is something to be learned from the system besides that a welfare state was not yet fully realized.

Geographically, the corruption involving gravediggers was apparent in the West—this rescript of Honorius was issued in Milan but does not address a specific region—but appears more rampant in the East, where persons claimed the enticing exemptions granted to *decani*, *lecticarii*, and *copiatae* in cities such as Constantinople and Antioch. Imperial laws from the fourth to the sixth century can give us hints as to the problems involving large *collegia* of gravediggers and funerary workers within the empire, and these, combined with the textual and epigraphic evidence, attests to the importance of these *collegia* not only to urban burial schemes and to the bishop, but also to the workers themselves. Constantine's associations of funeral workers received the strength of the government and the Church behind them in Constantinople and had powerful allies. The benefits they received were part of a larger trend throughout the empire, whereby clergy received special benefits and privileged status.⁴⁵⁹

⁴⁵⁷ The praetorian prefect (*eparch*) of the East lived in Constantinople and directed the collection of the *annona*. His was the normal office through which decrees were promulgated. He was the head of the police force—the *taxiottai*—and also controlled trade and industry. Cf. James A.S. Evans, *The Age of Justinian: The circumstances of imperial power* (London, New York: Routledge, 2000), 43-4.

⁴⁵⁸ Just. Nov. 59.2.

⁴⁵⁹ Salzman notes that after Constantine: "The emperors also made explicit the privileged position of the church within the state. Most important in terms of influencing upwardly mobile local elites, were the codes granting exemptions to clergy from serving on local town councils and performing compulsory public service." (Michele Renee Salzman, *The Making of a Christian Aristocracy: Social and religious change in the Western Roman empire* [Cambridge: Harvard University Press, 2002], 195).

4. Conclusion

As I have shown, the occupational labor of funeral workers in Late Antiquity remained largely unchanged from their disreputable predecessors in the Republican and imperial periods—they still carried corpses and inhumed the dead. However, the import of burial rites and the destigmatization of death within Christian ideology helped to facilitate an initial change in status for funeral workers in the pre-Constantinian Church. While the minor clerical orders within the early Church may not have been standardized in terms of the status conferred on these funeral workers, the Church was certainly unique in its ability to redraw the lines of social repute for those associated with it, whether as clerics or ecclesiastical personnel. The elevation of funeral workers evident within some early churches was then magnified following the emperor Constantine's conversion to Christianity and his institution of associations of funeral workers in Constantinople. The establishment of funerary *ordines* subsidized by the state but directed by bishops within the Church can be reckoned to have perhaps drawn on the model of the *fossores* in Rome. More broadly, these *ordines* were seen to have had a larger impact than previously considered: as a paradigm for burial schemes in other cities, in the creation of a new path for status, the redirection of patronage networks from the State to the Church, and in increasing the involvement of the Church in the funeral trade.

Beyond an identification of the transformation in status experienced by funeral workers in Late Antiquity, my examination of the epitaphs of the Late Antique funeral workers attempts to give a voice to professionals largely silent until the growth of Christianity, and still largely unheard within modern scholarship. I view the apparent change

in epigraphic habit between the Republican period and the spread of Christianity as an indicator that the conferment of status—first within Christianity and then by the State—changed the social acceptance and position of these persons in Late Antique society. The *fossore*s of the catacombs proudly proclaimed their association with the church in Rome through frescoes, symbols, and inscriptions, and often indicate associative identities and the prescribed hierarchy within these associations. Similarly, the later epitaphs of *copiatae* in Asia Minor and other funeral professionals within the empire advertised a strong Christian identity and kinship ties. The voice of the “lowly” is certainly meek within both the epigraphic and textual record as a whole in Late Antiquity, but these epitaphs do allow some insight into the lives of early Christian clerics, as well as a means to view the effect of the burial schemes instituted in various cities within the empire in terms of social status and the networks of civic associations at play within every ancient city.

The impact of placing of bishops as patrons over large associations of funeral workers is also investigated within this study. While the funerary profession in the Roman empire still included private entrepreneurs, it now incorporated large groups of clerical or paraclerical persons in some Late Antique cities, who received enticing tax and military service exemptions, but who were clients to the local bishop. These changes in status and patronage, together with the dire economic and military straits of the empire, made the job of funerary worker attractive to those looking to evade heavy financial burdens, to avoid dangerous work as a soldier, and gain a powerful advocate as their *patronus*. To some bishops, such as Damasus and Cyril, the bishop’s role in the patronage and oversight of these corps provided the opportunity to utilize them as their personal gangs. Associations such as the *parabolani* in Alexandria and the *lecticarii* in Antioch were beholden to the bishop for status in

patronage, and in the competitive political and religious feuds between bishops in Late Antiquity, corps of funeral workers are sometimes identified as instruments of violence. These funeral corporations provide further evidence that the establishment of bishops as the patron over numerous civic associations that served Late Antique cities amplified the social influence of bishops, and created the opportunity for personal abuse and corruption.

The burial scheme established by Constantine was, then, an ideal rather than a reality. By the mid-sixth century, when Justinian noted the scheme in his *Novels*, his tone is one of exasperation and firmness; reacting to the city's chronic problems with persons impersonating funeral workers, workshops and other institutions unjustly citing the tax loophole, patrons using the associations for a private militia, and funeral workers overcharging or lying about the cost of their services. Constantine appears to have been the first to offer a broad tax exemption in return for funeral services and workers. However, this subsidy—originally conceived as a means to entice merchants to provide the labor and other burial provisions essential for the proper burial of thousands of the Christian poor—clearly bred new problems in terms of tax evasion and of bishops using funeral workers as personal *clients*; furthermore, the subsidy aided the domination of the funeral trade by the Church. During the reign of Justinian, the Christianized funeral trade does not appear so very different from that of the Republican period, except for a key difference: the status and patronage bonds of the funerary workers within it. With the increasing demand for *ad sanctos* burials among the wealthy in Late Antique society, bishops and their funeral workers had a new selling point with which to mark up the cost of burial for the elite. These workers in the army of Christ began to become notorious once again and to resemble their

profiteering predecessors, this time with status and protection provided by a new patron: the Church.

Chapter 6

Conclusion

This dissertation has reconstructed the social and legal milieu in which pretensions of honor and dishonor existed, and it has illustrated that disrepute was a mutable construct within the Roman world. Moreover, these transformations in disrepute had a significant impact on the social experience, status, and capabilities of certain professionals, and they contributed to the creation of a marginal yet dynamic society outside the civic order. The exploration of *praecones*, *dissignatores*, *libitinarii*, and funeral workers has illustrated the lived experience of disrepute, established the outlets for status available to these professionals, and demonstrated how variations in the social and legal perceptions of them reflected larger social, religious, and administrative changes from the first century BCE to the sixth century CE. Yet, as the case studies of medieval Japan and early modern Germany also exemplify, constructions of disrepute are no less prevalent in cultures elsewhere in other periods. A better understanding of the antecedents to a society's formation of disrepute, and of the changes in this construction over time, is therefore pertinent in the sociological comprehension of Roman society as well as others.

The methodology of the dissertation has involved investigating the sociolegal construction of Roman laws and exploring everyday people's experience of them. It has been established here that it is insufficient merely to recognize a law; rather, it is imperative to assess the law's impact (or lack thereof) in practice. By departing from the typical "view from above" in understanding disrepute from legal evidence alone, the personal identities of these

professionals have been defined, as has the central social unit formed by the voluntary association. Using the evidence for associations of *praecones* and funeral workers, I have illustrated how certain disreputable professionals created a community among themselves as a means of establishing their own identities and in order to supply integral services within Roman society.

There is still, however, much to explore in regard to legal disrepute among these tradesmen of the Roman world. The prevalence of *infamia* and other legal forms of disgrace in the Late Antique law codes indicates that disrepute remained—as it had since the Republic—a means of marginalization that served to reinforce the social hierarchy, strengthen the power of the elite, and limit the actions of “objectionable” professionals within society. Following the spread of Christianity, different trades became the new pariahs within the Roman state so that, from the late fourth century onward, legal declarations of *infamia* disenfranchised new groups—heretics, apostates, and pagans. The attachment of disrepute to certain professions also persisted into Late Antiquity. Predictably, prostitutes, pimps, actors, and actresses remained outside the bounds of repute, but further trades too—minters, weavers, pack animal drivers, and fishermen—now began to experience disrepute as a result of their activities. More specific laws promulgated in Late Antiquity redrew the lines between honor and disrepute and imposed new penalties on the disreputable.

From the late fourth century onward, those who did not specifically embrace Catholic Christianity were burdened with disrepute. In an edict of 380, Gratian, Valentinian II, and Theodosius proclaimed that all those who did not assume the name and practice of Catholic Christians were to be declared *infamis*.⁴⁶⁰ Again, in a rescript dated to May 391, the emperors

⁴⁶⁰ *Cod. Theod.* 16.1.2.1.

Valentinian, Theodosius, and Arcadius wrote to the praetorian prefect Flavianus concerning apostates who held municipal or administrative offices. They ordered that these apostates be: “...removed from their position and status, they shall be branded with perpetual infamy, and shall not be numbered even amongst the lowest dregs of the ignoble crowd.”⁴⁶¹ Groups such as the Manichees, Arians, Phrygians, Eunomians, and Donatists were targeted by these new laws, which modified the traditional bounds of *infamia* and exacted harsh penalties on these new outcasts.

In addition to the socio-legal stigma of *infamia*, some heretics, apostates, and pagans lost their ability to receive inheritances or pass on legacies, and they could even have their property confiscated.⁴⁶² Evidence from the *Theodosian Code* and the language of the *Novels* further indicates that the threat of political exclusion was no longer a strong enough deterrent; curial duties were a heavy burden often avoided by the local aristocracy. As a result, the status of *infamia* carried with it an increased degree of economic severity starting in the fourth century. This mark of disgrace affected the ability of heretics, apostates, and eventually pagans to receive or pass on wealth. In the sixth century, heretics were even warned by the emperor Justinian not to avoid their curial duties nor to use their *infamis* status as a loophole to evade them.⁴⁶³ During the Republic and Principate, holding municipal office had been a badge of honor, but well before the sixth century the elite perceived this public service as compulsory and something to be avoided because of the heavy financial burdens

⁴⁶¹ *Cod. Theod.* 16.7.5: ‘... de loco suo statuque deiecti perpetua urantur infamia ac ne in extrema quidem vulgi ignobilis parte numerentur.’ trans. Pharr, *The Theodosian Code*, 466.

⁴⁶² For more on the use of *infamia* on heretics, see Caroline Humfress, “Citizens and heretics: late Roman lawyers on Christian heresy,” in *Heresy and Identity in Late Antiquity*, Eduard Iricinschi and Holger M. Zellentin, edd. (Tübingen: Mohr Siebeck, 2008), 137-40.

⁴⁶³ The *Novels* reveal that some heretics interpreted their *infamis* status as a loophole that would exempt them from curial duties, an ambiguity that was clarified by Justinian—in a manner similar to Diocletian—by forcing heretics to serve as curials, but revoking any honors that came with the office. *Nov.* 45.1-2.

imposed on officeholders. As a result, the penalties associated with *infamia* were eventually adjusted so as to accommodate the economic needs of cities and the imperial treasury.

Although heretics, apostates, and pagans represented a new application of *infamia*, legal disrepute still served to marginalize those employed within certain trades in Late Antiquity, particularly those of *monetarii* (minters), *gynaecearii* (weavers), *murileguli* (harvesters of purple fish dye), and *bastagarii* (pack animal drivers).⁴⁶⁴ Another group, *piscatores*—who included everyone in the fishing trade—were viewed as unmanly, disgraced by their exclusion from military service, as Michael Charles has recently demonstrated.⁴⁶⁵ These “unseemly” Late Antique tradesmen were integral to the socioeconomic functioning of each city in the empire, although to date they, like funeral workers and criers, have attracted little attention from scholars. More remains to be examined about the disreputable occupations of the later empire, especially in regard to how changes in the status of these professionals reflect larger social and political shifts. Furthermore, there are pivotal questions to be answered concerning how Roman constructions of disrepute influenced law and society within medieval Europe and the later Byzantine empire. How, too, was *infamia* interpreted within the “barbarian” law codes, such as the Visigothic code? Did a similar concept of disrepute survive within Byzantine law and influence it?

In a comment that is representative of the views of the Roman elite, Tacitus famously dismissed the administrative minutiae of the Roman empire by stating that, “it has been found to suit the dignity of the Roman people to reserve the illustrious annals for great

⁴⁶⁴ *Cod. Theod.* 10.20.18.

⁴⁶⁵ Michael B. Charles, “Unseemly professions and recruitment in Late Antiquity: piscatores and Vegetius Epitoma 1.7.1-2,” *AJP* 131.1 (2010), 101-20. Charles illustrates how perceptions of masculinity in Late Antiquity were reflected in the exclusion of certain occupations from participating in the military, in much the same way that changes in the status of funeral workers reflect new Christian perceptions of death.

achievements, and to leave such details to the *acta diurna urbis* (the city's daily register).⁴⁶⁶ Focus on wealthy, elite males and their lofty activities to the virtual exclusion of many others in the Roman world has meant that the role of criers and funeral professionals has been overlooked. My claim is that these professionals acted as critical intermediaries within Roman society from the Republican period to Late Antiquity. Insofar as it is possible to understand societies by investigating their values, it is equally possible to find meaning in what they devalue. This dissertation has provided greater insight into Roman social and political institutions, as well as into the personal experience of certain professionals on whom the multifarious communication and economic networks in the Roman world depended. Through close inspection of people and events on the margins of the "illustrious annals," it has become clearer than ever that the "supporting cast" in Roman society was integral to the community's welfare, and that these players deserve a more prominent place in history.

⁴⁶⁶ Tac. *Ann.* 13.31: '*...ex dignitate populi Romani repertum sit res inlustris annalibus, talia diurnis urbis actis mandare.*'

Appendix I: The Praecones

[1] Q. [---]aelius Q.l

Rome, [Italy]

First Century BCE (?). A freedman who worked as a *praeco et dissignator*.

[---]aelius Q(uinti) l(ibertus) praeco et dissignato[r]
[-----]f(ilius?)
Licinia Cn(aei) l(iberta) Athena
in fr(onte) p(edes) XIIIX

*CIL I*², 2997a=*AE* 1984, 106=*HD* 1728.

Cf. Antonio Giuliano, *Museo Nazionale Romano I.7* (Rome: De Luca, 1984), 482-6; no. 15, 41; Rosanna Friggeri, *The Epigraphic Collection of the Museo Nazionale Romano at the Baths of Diocletian* (Rome: Electa, 2001), 59.

[2] P. Aemilius P.f. Nicomedes

Rome, [Italy]

Imperial. Decurion of the *decuria* of lictors, a *decemprimus* of the *decuriae* of the consul three times, and *decemprimus* of the announcers (*denuntiatores*)⁴⁶⁷ of the lictorial *decuria* of the people, and the *praeco decemprimus* of the curule aedile.

D(is) M(anibus)
P(ublio) Aemilio P(ubli) f(ilio) Nicomedi patri
incomparabili
decuriali decuriae lictor(iae)
co(n)s(ularis) trium decuriar(um) Xprimo
item decur(iae) lictor(iae) popularis
denuntiat(or)um Xprimo
item praecon(i) aedilium curul(ium)
Xprimo
Aemilii Nicomedes et Nicomedes
et Theofila fili(i) et
heredes fecerunt

CIL VI, 1869= *ILS* 1908.

Cf. Olivia F. Robinson, *Ancient Rome: City planning and administration* (Routledge, 1992), 8-9. Cohen, "Some neglected ordines," 47; 49; Purcell, "Apparitores," 147; 151.

⁴⁶⁷ There was one *denuntiator* per region within the city of Rome in order to announce festivals.

[3] L. Aiatius Phoebus

Sutrium, [Italy]

Imperial. A decurion of the *decuria Iulia praeconia* that assisted the consul.

Apollini Silvano
Asclepio Nymphis
sacrum
[L(ucius)] Aiatius Phoebus
decurialis decuriae Iuliae
praeconiae consularis
voto suscepto d(onum) d(edit) con(!)
Phoebiano filio

CIL XI, 3294.

[4] Apronius Felix

Aleria, [Corsica]

201-250 CE. A soldier and military *praeco* within the office of the prefecture of the Misene fleet ('*cl(assis) pr(aetoriae) p(iae) v(indicis) Mis(enensis)*').

D(is) M(anibus) s(acrum)
Iunia Tertulla pia hic
sita est quae v(ixit) a(nnos) XXIII
Apronius Felix mil(es)
cl(assis) pr(aetoriae) P(iae) V(indicis) Mis(enensis) praeco pr(imus?)
coniugi incomp(arabili)

EE VIII-1, 800= *AE* 1999, 817=*HD* 48257.

Cf. Émile Espérandieu, *Inscriptions antiques de la Corse* (Bastia: Ollagnier, 1893), 14; 49-50; 58.

[5] L. Aufustus L.l. Felix

Rome, [Italy]

Imperial. A freedman *praeco* of the consul.

L(ucius) Aufustus L(uci) l(ibertus) Felix
praeco co(n)s(ulis)
Aufustia L(uci) l(iberta) Helena mat(er)
Aufustia L(uci) l(iberta) Prima sor(or)
L(ucius) Aufustus L(uci) l(ibertus) Ste[p]hanio

CIL VI, 1943.

Cf. Arnold Duff, *Freedmen in the Early Empire* (Cambridge: Heffer, 1928), 139; Morcillo, *Las Ventas*, 142.

[6] **C. Calpurnius S.f. Apollinaris**

Cures Sabini, [Italy]

Imperial. An *apparitor Augusti* and a *praeco* from the *decuria Julia*.

‘C(aio) Cal[p]urnio Sp(uri) f(ilio) Col(lina) Apol[l]inari
apparitori Aug(usti) pr[a]econi [d]ec(uriae) [I]ul(iae) [p]a[t]r[i]
Iuliae M(arci) f(iliae) [I]ulit[t]ae matri
Cal[p]urniae C(ai) f(iliae) Telluri
Cal[p]urniae C(ai) lib(ertae) Daphne
fecit C(aius) Cal[p]urnius C(ai) f(ilius) Quir(ina) [A]pol[l]inaris
mi[h]i posterisque familiae nominis nostri
huic monumento iuris agri in fronte p(edes) LXX
in agro p(edes) LXX CV debbitur ab omnibus
possessoribus eius.

CIL IX, 4967.

[7] **[P. Cor]nelius P.l. Surus**

Rome, [Italy]

55 BCE-Early Imperial. A freedman, Surus was elected five times in nine years as *magister* of the College of Capitolini. Surus was a *nomenclator* and then an *apparitor*, serving as a *praeco* of the aerarium, an assistant to the consul, and an assistant to the censor. He also had connections with the *sutores* () and was involved with games at the Theater of Pompey as a *magister scribarum poetarum*.

[--- Cor]nelius P(ubli) l(ibertus) Surus
[nome]nclator mag(ister)
[Capito]linus V(quinquies) a(nnis) VIII
[mag(ister)? s]utorum praeco
[ab ae]rario ex tribus
[decuri]eis mag(ister) scr(ibarum) poetar(um)
[ludos] fecit in theatro lapidio
[ac]cens(us) co(n)s(ulis) et cens(or)is.

AE 1959, 147=AE 1968, 33=AE 1987, 67=HD 3617.

Cf. Rüpke, *Fasti sacerdotum*, 646; no. 1391; Edward J. Jory, “P. Cornelius P.l. Surus: an epigraphical note,” *BICS* 15 (1968), 125-126; Silvio Panciera, ‘Ancora sull’iscrizione di Cornelius Surus, magister scribarum poetarum,’ *BCAR* 91 (1986), 34-44.

[8] A. Didius Mnester

Rome, [Italy]

Imperial. A *praeco* from the forum.

Dis Manibus
sacrum
Didiae Charidi
vixit annis VII
mens(ibus) X diebus VII
A(ulus) Didius Mnester
praeco a foro
filiae dulcissimae et
Noniae Charidi
matri eius et sibi et
suis libert(is) libertabusq(ue)
suis posterisq(ue) eorum
in front(e) p(edes) II s(emissem) in agro p(edes) II.

CIL VI, 37153=*AE* 1912, 224.

[9] M. Falcidius Cupites

Rome, [Italy]

Early Imperial. A *praeco* and apparitor of Augustus, possibly within the *ordo decuria Julia praeconia* of the consuls.

M(arco) Falcidio
M(arci) fil(io) Pal(atina)
Hypatiano
adlecto in
ordinem dec(urionum)
Puteolanor(um)
ordo
decuriae Iuliae
praec(oniae) co(n)s(ularis)
ob merita
M(arci) Falcidi Cupiti
praeconis et
apparitor(is) Aug(usti)
patris eius

CIL VI, 1944= *ILMN* I, 52 = *ILS* 1934.

Cf. Morcillo, *Las Ventas*, 139; Purcell, “Apparitores,” 133; 147-8.

[10] A. Granius M.I. Stabilio

Rome, [Italy]

Late Republican. A freedman *praeco* and associate of Olus Granus (I.10).

Rogat ut resistas hospes te hic tacitus lapis
dum ostendit quod mandavit quouis umbram tegit
pudentis hominis frugi sum magna fide
praeconis Oli Grani sunt ossa heic sita
tantum est hoc voluit nescius ne esse vale
A(ulus) Granius M(arci) I(ibertus) Stabilio
praeco

CIL I², 1210= *CIL* VI, 32311= *CLE* 53= *ILS* 1932= *ILLRP* 808 = *AE* 1998, 189b.

Cf. Courtney, *Musa Lapidaria*, no. 18; Matteo Massaro, ‘Gli epigrammi per L. Maecius Pilotimus e A. Granius Stabilio (*CIL*, I (2), 1209 e 1210),’ *Epigraphica* 60 (1998), 183-206.

[11] O. Granus

Rome, [Italy]

Late Republican. A *praeco*, associate of Aulus Granus (I.9), and possible freedman [Text Appendix I.10]

CIL I², 1210= *CIL* VI, 32311= *CLE* 53= *ILS* 1932= *ILLRP* 808 = *AE* 1998, 189b.

[12] P. Herennis P.I. Chrestus

Rome, [Italy]

Unknown. A freedman *praeco* to the tribune.

P(ublius) Herennius P(ubli) I(ibertus)
Chrestus praeco
tribunicius sibi et
Cassiae I(ibertae) et uxori et si
quibus Cassia volet
in hoc monumento
heredi meo ius inferendi
praeter me non do Cassiae
uxori meae do

CIL VI, 1949.

Cf. Morcillo, *Las Ventas*, 143-4.

[13] L. Marius L.l. Doryphorus

Rome, [Italy]

Late Second Century CE. A *consecutus* to the scribe of the aedile of the divine Commodus, a *praeco* of the consul, a *praeco* of the quaestor, a lictor, and *curiator* to the priesthood of the *Laurens Lavenas*.

[L(ucius)] Marius L(uci) lib(ertus) Doryphorus anulos aureos
consecutus a divo Commodo scrib(ae) aedilic(io) et
tribunic(io) scrib(ae) libr(ario) aedil(ium) curul(ium) praeco co(n)s(ulis)
praec(o) quaestorius sacerdotal(is) viator(is) augurum
lictor curiat(or) Laurens Lavinus fecit sibi et
Ae(liae) Asclepiodote coniugi item libertis
libertabusque suis posterisque eorum

CIL VI, 1847=*ILS* 1899.

Cf. Duff, *Freedmen in the Early Roman Empire*, 140; Purcell, "Apparitores," 148.

[14] C. Matienus C.f. Oufentina Ovicula

Aquinum, [Italy]

Unknown. A *praeco* and *dissignator*.

C(ai) Matieni C(ai) f(ili) Ouf(entina)
Oviculae
annorum XXVII
praeco idem dissignator
tempus victuro mihi longum stamine Parca
aetatis nostrae [---]RE[---]RVITI[---]OIV
nunc EGQ de cineris [p]a[rv]o conlectus acervo
ossa sub instanti sum positus lapide
non ulli iam vox mea responsura sodali
nec veniam matri dul[c]ior atque patri
me quem nulla dies poterit visura renasci
set bene conpositum fata sivere mea

CIL X, 5429= *CLE* 1144.

Cf. Bodel, "Dealing with the dead," 139.

[15] Murinus Felix

Rome, [Italy]

Unknown. A *praeco*.

D(is) M(anibus)
C(aius) Clodius Felix
hic ego Murinus praeco Felix cui tales amici
complerunt animos ut post me nome<n> haberem
Lucius et Claudia quod sunt me dignati munere perpetuo
vos precor hoc superi ut vitam post me servetis amicis
et possint nostris Bacchum miscere favillis
floribus ut spargant saepius umbra(m) levem

CIL VI, 1951= CLE 1256.

[16] C. Matius Amphio

Rome, [Italy]

Imperial. A patron and apparitorial *praeco* for the *tribus decuriis* attached to the consuls, censors, and praetors. He also attend the imperial house in some capacity.

C(aius) Matius Amphio patronus
praeco ex tribus decuri(i)s
qui co(n)s(ulibus) cens(oribus) pr(aetoribus) apparere solent
apparuit Caesari Augusto
Matia CCC(aiorum) l(iberta) Iucunda uxor
C(aius) Matius Urbanus conlibertus
arbitratu C(ai) Mati Urbani conliberti

CIL VI, 1945= ILS 1933.

[17] L. Nerianus Tertius

Praeneste, [Italy]

Late Republic/Early Empire. A *praeco*, apparitor, and *sevir Augustalis*.

V]vir(o) sacris faciund(is)
VIIvir(o) epul(onum) sodali Augustali
L(ucius) Nerianus Tertius praeco apparito[r]
ipsius et L(ucius) Nerianus Venustu[s]
seviri Augustales
fratres

AE 1904, 109= HD 33291.

[18] L. Novelli(us) Lucifer

Dyrrachium, [Macedonia]

Early Imperial. A *praeco*.

L(ucius) Novelli(us)
Lucifer praeco
have
Novia Scodrina
coniunx MI[---]ARA
[---]ER
[---] vives have
[---] Novellia Trophime
mater q(uae) v(ixit) a(nnos) LV vale
Crotus pater Luci/feri lib(ertus) medicus
q(ui) v(ixit) a(nnos) LXVII vale
C(aius) Seppius Crescens
vitricus q(ui) v(ixit) a(nnos) LXXV vale

AE 1948, 87= *ILAlb*, 70= *CIA* 83= AE 1978, 749= *HD* 4915.

[19] L. Peducaeus Saturninus

Albanum, [Italy]

Imperial. Decurion within the *decuria* reserved for apparitorial *scribarii*, *librarii*, and *praecones* attached to the consul.

L(ucio) Peducaeo
Saturnino
decuriali
dec(uriae) scribar(um) libr(ariorum)
et Iuliae Praeconiae
consularis ex tes
tamento arbitrato
Peducaee C(ai) f(iliae)
Severinae uxoris

CIL XIV, 2265= *ILS* 1935.

[20] M. Publilius M.I. Gadiae

Capua, [Italy]

Unknown. A freedman *praeco*.

[M(arcus)] Publilius M(arci) l(ibertus) Satur de suo
sibi et liberto M(arco) Publilio Stepano

Arbitrato M(arci) Publili M(arci) l(iberti) Gadiae praeconis et M(arci) Publili M(arci) l(iberti)
Timotis

[---]ae T[---] vix(it) annis XXII

CIL X, 8222.

Cf. Leonhard Schumacher, *Sklaverei in der Antike: Alltag und Schicksal der Unfreien* (Munich: Beck, 2001), 55.

[21] Q. Pomponius Q.l. Pylades

Reate, [Italy]

Early Imperial. A freedman *praeco*.

Q(uintus) Pomponius Q(uinti) l(ibertus) Pylades
praeco
v(ivit) Pomponia Q(uinti) l(iberta) Lync(h)is(!)
arbitratu
C(ai) Cartili C(ai) l(iberti) Bassi et
Pussiae |(mulieris) l(ibertae) Lync(h)idis

AE 1989, 235=AE 2000, +401=HD 14832.

[22] P. Sempronius Acutus

Rome, [Italy]

Republican. A *praeco* of the consul.

[P(ublius) Se]mpronius Col(lina) Paetus
P(ublius) Sempronius Acutus praeco co(n)s(ularis)
l(obita) Sempronia P(ubli) l(iberta) Chila concub(ina)
l(obita) Pupia Fausta ux{s}or
in f(ronte) p(edes) XXIII in agr(o) p(edes) XIII

ILLRP-S, 42= AE 1991, 119.

[23] L. Tossius C.f. Amphius

Rome, [Italy]

Unknown. A *praeco* and a *dissignator*.

L(ucius) Tossius C(ai) [f(ilius)]
Amphio praec(o)
dissign(ator)
Tossia L(uci) l(iberta) Hedon[e]
fr(onte) XIII ag(ro) XIII

CIL VI, 1955= AE 1999, 200.

Cf. Lindsay, "Death-pollution and funerals," 159.

[24] [T(itus) Trebulanus(?) Fe]lix

Trebula Suffenas, [Italy]

First Century CE. *A praeco*.

Philodamus
[---] l(ibertus) Zela
[---] M(arci) l(ibertus) Eros tub(icen)
cu[r(atores?)]
[--- Cae]sarum imagines Caesarum et scholam ex pecuni[a collata]
[--- feceru]nt idemque dedicaverunt et populo crustulum et mul[sum dederunt]
X K(alendas) Aug(ustas)
[Sex(to) Appuleio] Sex(to) Pompeio [co(n)s(ulibus)]
[---]es in ordinem redegerunt
[T(itus) Trebulanus? Fe]lix praeco
[---] l(ibertus) Parmeno
[---] l(ibertus) Hermeros
[---] l(ibertus) Syneros
[---] l(ibertus) Auctus
[---]us

[T(itus) Treb(u)lanus T(iti) l(ibertus) [---]
P(ublius) Logidius P(ubli) l(ibertus) [---]
A(ulus) Cervius A(uli) l(ibertus) [---]
A(ulus) Cervius A(uli) l(ibertus) [---]
A(ulus) Mucius A(uli) [l(ibertus) ---]
L(ucius) Maccie[nus]

Bat[---] / [---] l(ibertus) Antero[s]
[---] l(ibertus) Chryses
[---]bi l(ibertus) Suavis
[---] M(arci) l(ibertus) Helenus
[---] Cn(aei) l(ibertus) Mena
[---] l(mulieris) l(ibertus) Fustanu[s]
[T(itus) Trebul]anus T(iti) l(ibertus) Demetri[us]
[---Treb]ulanus M(arci) l(ibertus) Antioch[us]
[---]ilius M(arci) l(ibertus) Eutyca[s]

AE 1972, 154; *AE* 1995, 423.

[25] P. Tremelus S.f. Collina

Tusculum, [Italy]

Unknown. *A praeco*.

P(ubli) Tremeli Sp(uri) f(ilii) Col(lina)

Praeconis
Attiae P(ubli) l(ibertae) Chelidonis
P(ubli) Tremeli P(ubli) l(iberti) Romani
P(ubli) Atti l(mulieris) l(iberti) Albani

EE IX, 698a.

[26] C. Septimius Quietus

Ostia, [Italy]

Imperial. A *praeco vinorum* (wine auctioneer) who made a *dedication* to the *genius* of his association in Ostia.

Genio corporis
splendidissimi
i<m>portantium
et negotiantium
vinariorum
C(aius) Septimius Quietus
praeco vinorum / d(onum) d(edit)

AE 1955, 165=AE 1999, +407=HD 19431.

Cf. Morcillo, *Las Ventas*, 210; Jean Andreau, *Banking and Business in the Roman World*, Janet Lloyd, trans. (Cambridge University Press, 1999), 149; Russell Meiggs, *Roman Ostia* (Clarendon Press, 1973), 275.

[27] -]usinius

Narbo, [Gallia Narbonensis]

Unknown. A *praeco*.

-]usinio
[---] praeconi
[---] Antiopae
[--- in] agr(o) p(edes) [-

CIL XII, 4505= CAG-XI-1, p. 457.

Appendix II: The Dissignatores

[1] P. Aquillius P. Fanniae I. Aprodisius

Rome, [Italy]

Early Imperial. A freedman *dissignator*, who was later the *magister* of the *vicus* of the Esquiline forum. The plaque was found outside the Porta Maggiore, near to where Aprodisius likely worked as *magister vici*.

L(ucius) Cornelius L(uci) I(ibertus) Philargur(us)
Fannia I(mulieris) I(iberta) Asia Fannia I(mulieris) I(iberta) Sura mater
P(ublius) Aquillius P(ubli) et Fanniae I(ibertus)
Aprodisius dissignator
mag(ister) vici a foro Esquilin(o)
Fannia I(mulieris) I(iberta) Helena.

CIL VI, 2223=ILS 6076a.

Cf. Lothar Haselberger, et al., *Mapping Augustan Rome*. Journal of Roman Archaeology, Supplementary Series 50 (Portsmouth, R.I.: Journal of Roman Archaeology, 2002), 133; Rüpke, *Fasti Sacerdotum*, no.1361; 700; 1608-9.

[2] -]cinna

Mediolanum, [Italy]

-]cinna
dissignator scriba
ex testamento

CIL V, 5924.

Cf. Aristide Calderini, *Silloghe delle iscrizioni latine della raccolta Milanese* (Milan: Società editrice "Vita e pensiero," 1946), 55; Bodel, "Funerary Trade," 165; Gian Luca Gregori, *Epigrafia anfiteatrale dell'occidente romano: Regione Italiae VI-XI* (Rome: Quasar, 1989), 15.

[3] Elainus

Pompeii, [Italy]

A *dissignator* known from a graffito at Pompeii.

Suettios Certum Iivir(um) i(ure) d(icundo)
Verum aed(ilem) Celsum collegam rog(at)
quorum innocentiam
probastis
Elainus dissign(ator) rog(at)

CIL IV, 597 = ILS 6433.

Cf. Helen Tanzer, *The common people of Pompeii: A study of the graffiti* (Johns Hopkins Press, 1939), 71; Bodel, "Funerary Trade," 165; Schrupf, *Bestattung und Bestattungswesen*, 264.

[4] [-- -- T(itus) ---]erio T. I. Stab[ili ---] Carsulae, [Italy]

A freedman, possibly a *dissignator* within the '[d]ec(uria) dissign(atorum)' cited in the inscription.

-]
[T(ito) Lab]erio T(iti) l(iberto) Stab[ili---]
[---d]ec(uria) dissign(atorum) [---]

CIL XI, 4596.

Cf. Alessia Morigi, *Carsulae: topografia e monumenti* (Rome: L'Erma di Bretschneider, 1997), 11.

[5] [---H]erm[---]

First Century CE. A *dissignator*.

[--- H]erm[---]
[--- d]issign[at---]

NS (1933), 498, nt. 180 (R. Paribeni) (1)=EDR 862.

[6] L. Laenius Anteros Tibur, [Italy]

A *dissignator* and a *magister* of the cult of Hercules and Augustus.

L(ucius) Laenius Anteros
dissign(ator) mag(ister) Herc(ulaneus) et Aug(ustalis)
Laenia Prima
L(ucius) Laenius Elegans
L(ucius) Laenius Suavis
L(ucius) Laenius Amianthus
L(ucius) Laenius Artema
L(ucius) Laenius Secundus

Loc(o) CXXXVII
EAT

EE IX, 903= InscrIt. IV-1, 214= AE 1905, 199=HD 30582.

Cf. Marco Buonocore, *Epigrafia anfiteatrale dell'Occidente Romano. Regiones Italiae II-V, Sicilia, Sardinia et Corsica* (Rome: Quasar, 1992), 15; Bodel, "Dealing with the dead," 165.

[7] [--- M]aecenas D.f. Macia

Rome, [Italy]

First Century BCE. A *designator* (=dissignator) and patron of the *societas* of Greek singers at Rome.

Societatis cantor(um) Graeco[r]um et qui in
hac sunhodo sunt de pecunia commune L(ucius) Maecenas D(ecimi) f(ilius) Mal... desi
gnator patronus sunhodi probavit M(arcus) Vac[ci]us M(arci) l(ibertus) Theophilus Q(uintus)
Vivius Q(uinti) l(ibertus) Simus magistreis sunhodi D[ec]umianorum locu[m] sepulchri
emendo aedificando cuuraverunt
L(ucius) Aurelius L(uci) l(ibertus) Philo magister septumo synhodi
societatis cantorum Graecorum quique in hac
societate sunt de sua pecunia reficiun[d]um
coeravit

CIL I², 2519=ILLRP 771=AE 1925, 127= AE 1927, 167=HD 25426.

Cf. Friggeri, *Baths of Diocletian*, 62 (photo); Eric H. Warmington, *Remains of Old Latin IV*. The Loeb Classical Library 359 (London: W. Heinemann; Cambridge: Harvard University Press, 1967), 46.

[8] C. O[---]nnaeo C.F. [---]ol[---]

Trea, [Italy]

First Century CE. A *dissignator*.

C(aio) O[---]nnaeo C(ai) l(iberto) [-]ol[---]
dissignat[ori]

SupIt-XVIII-T, 10 = Piceno-Tre, 3

Cf. Alessandro Cristofori, *Non arma virumque. Le occupazioni nell'epigrafia del Piceno* (Lo scarabeo, 2004), 476 ; photo (3); *AE* (2000, 495) reads the stone as: 'C(ai) f(ilio)' instead of 'C(ai) l(iberto)'.

[9] M. Plotius M.l (?)

Abella, [Italy]

20 BCE-20 CE. A freedman (?) *dissignator*.

M(arco) Plotio M(arci) [l(iberto)? ---]
Varii dissign[atori]
et Aureliai ux[ori]
Pamphilus li[bertus]

NS (1928), 384 (M. Della Corte)= *EDR* 104429.

[10] Sabinus

Pompeii, [Italy]

A *dissignator*.

M(arcum) Epidium Sabinum d(uumvirum) i(ure) dic(undo) o(ro) v(os) f(aciatis) dig(nus) est/
defensorem coloniae ex sententia Suedi Clementis sancti iudicis
consensu ordinis ob merita eius et probitatem dignum rei publicae faciat
Sabinus *dissignator* cum plausu facit

CIL IV, 768= *CIL* IV, 1030 = *CLE* 39 = *ILS* 6438d.

Cf. Christiane Kunst, *Römische Wohn- und Lebenswelten. Texte zur Forschung; Band 73* (Darmstadt: Wissenschaftliche Buchgesellschaft, 2000), 147; n. 44d; Courtney, *Musa Lapidaria*, n.106.

[11] T. Servius T.l. Clarus

Corduba, [Baetica]

A freedman *dissignator*.

T(itus) Servius T(iti) l(ibertus)
Clarus dissi
gnator h(ic) s(itus) e(st)
s(it) t(ibi) t(erra) l(evis)

CIL II²/7, 345 = *HEp.* I, 254.

[12] Statilius Myronis

Rome, [Italy]

202-4 CE. A *dissignator scaenarum* for the Statilii.

[Fulviae Plautillae Aug(ustae) coniugi]
Imp(eratoris) M(arci) Aureli Antonini Aug(usti)
Pii Felicis pontificis cons(ulis)

Imp(eratoris) L(uci) Septimi Severi Aug(usti) Pii Felicis
 pontificis et Parthici maximi cons(ulis) III nurui
 filiae
 [[[C(ai) Fulvi Plautiani c(larissimi) v(iri) co(n)s(ulis) II]]]
 pontificis nobilissimi pr(aefecti) pr(aetorio) necessarii
 Augg(ustorum) et comitis per omnes expeditiones eorum
 T(itus) Statilius Calocaerus nomencl(ator)
 cum Statilio Dionysio trib(un) leg(ionis) XVI Flaviae
 et Statilio Myrone dissignatore scaenar(um)
 filiis et Statilio Dionysio discipulo fictorum
 pontificum cc(larissimorum) vv(irorum) nepote suo
 [a]mpla beneficia de indulgentia
 [Au]gustorum suffragio patris eius
 consecutus

CIL VI, 1074= ILS 456 = AE 1954, 245= AE 2007, 208.

Cf. Bodel, “Dealing with the dead,” 139; Lindsay, “Death-pollution and funerals,” 159; Géza Alföldy, *Städte, Eliten und Gesellschaft in der Gallia Cisalpina* (Steiner, 1999), 132; n.6.

[13] Q. Tullienus Mariones

Falerio, [Italy]

A *dissignator* who had his epitaph erected by the *socii dissignatores*.

Q(uinto) Tullieno
 Marioni
 dissignatori
 socii dissignat(ores)

CIL IX, 5461= Piceno-Fa. 2.

Cf. Ettore de Ruggiero, *Sylloge epigraphica orbis Romani II* (Pasqualucci, 1904), 535; n.4514; Schrumph, *Bestattung und Bestattungswesen*, 261; nt. 652.

[14] C. Verres Eros

Rome, [Italy]

Imperial. A *dissignator Caesaris Augusti* connected with the imperial house.

C(aius) Verres Eros
 dissignator
 Caesaris Augusti

CIL VI, 8846.

Cf. Lindsay, "Death-pollution and funerals," 158-9; Schrumpf, *Bestattung und Bestattungswesen*, 261; nt. 652.

[15] Cn. Vettius Globulus

Nomentum, [Italy]

First Century CE. A *dissignator Caesarum* and *magister* within the cult of Hercules the Victor, as well as a *sevir Augustalis*.

Cn(aeus) Vettius Globulus
d[is]signat(or) Caesaru[m] et
[---m]ag(ister) H(erculis) V(ictoris) et se[vir] August(alis)]

LMentana 51= *AE* 1976, 112= *AE* 1979, 135= *AE* 1982, 138.

Cf. Schrumpf, *Bestattung und Bestattungswesen*, 261; nt. 652.

[16] L. Vettius L.l. Auctus

Rome, [Italy]

Late Republic. A freedman *dissignator*.

L(ucius) Vettius L(uci) l(ibertus) Auctus *dissignator*
fecit sibi et suis posterisq(ue) eorum
Afrania C(ai) f(ilia) Prisca uxor C(aius) Avianius Cla(udia)
Licinia Sp(uri) f(ilia) Tertulla Priscus v(ixit) a(nnos) XXXII
coniunx vix(it) ann(os) XXVIII
Agria Zmyrna mater
Vettia L(uci) |(mulieris) l(iberta) Nebris
L(ucius) Vettius Crescens v(ixit) a(nnos) XII
L(ucius) Vettius L(uci) |(mulieris) l(ibertus) Primigenius

CIL VI, 9373.

Cf. Giovanni di Giacomo, 'Riesame di una fonte epigrafica per la topografia di Roma antica,' *Atti della Pontificia Accademia Romana di Archeologia. Rendiconti* 77 (2005), 430; Schrumpf, *Bestattung und Bestattungswesen*, 261; nt. 653.

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