

the accusative.<sup>40</sup> The obvious solution is to emend the text so as to yield  $\epsilon\phi$ , as  $\tau\omicron \epsilon\phi$   $\omicron\delta$ , 'that by which', is the regular formula in our lists that refers to the Efficient cause.<sup>41</sup> With that emendation, the sentence makes sense, is perfectly intelligible in the context, and is readily explicable palaeographically as a corruption in the Latin version: the scribe misread 'ifu' as 'isu'.<sup>42</sup>

I remarked a few paragraphs ago that, properly construed, this sentence might make a mildly interesting claim. Let me first translate the sentence:

But philosophy has these four: that by which, that out of which, that with which, and that on account of which; that by which corresponds to the Efficient cause, that from which to the Material cause, that with which to the Instrumental cause, and that on account of which to the Final cause.

The claim, I suggest, is that the use of prepositional formulae is proprietary to philosophy, and so presumably philosophical in origin; consequently if such formulae are used by the doctors (as they are for instance by Galen: see the texts cited in n. 35 above), they have been borrowed from the philosophical schools. If that is right, then it is of some interest and importance. Medical and philosophical theorising in later Antiquity went hand in hand; and I have argued elsewhere,<sup>43</sup> against the view expressed by Michael Frede,<sup>44</sup> that some at least of the terminology generally ascribed to the philosophers originated in the medical schools. What John's testimony shows is that sometimes the current ran the other way; and that medical writers were themselves aware of and acknowledged the difference between the standard medical and philosophical ways of referring to the same items.<sup>45</sup>

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<sup>40</sup> One might cite *Phys.* 2 1, 193b13ff. as a case in which  $\epsilon\iota\varsigma \delta$  occurs in a more or less parallel context: but the similarity is only superficial (Aristotle is not concerned with the rigorous classification of causes, only with the preliminaries of the investigation into the nature of nature); and in any case,  $\epsilon\iota\varsigma \delta$  clearly picks out the Final cause (or the fully-actualized form) if it picks out anything.

<sup>41</sup> See n. 35 above:  $\acute{\upsilon}\pi\omicron$  is of course ubiquitous as a preposition denoting agency.

<sup>42</sup> The fact that 'esu.' occurs twice in the same line is to be explained in the same way as the second occurrence of  $\pi\rho\omicron\epsilon\kappa\tau\iota\kappa\acute{\omicron}\nu$ : see n. 20 above.

<sup>43</sup> In my art. cit., n. 15 above.

<sup>44</sup> Art. cit., n. 29.

<sup>45</sup> An early version of this note was read by Jonathan Barnes, and by Myles Burnyeat. As always, I profited from their helpful and penetrative comments. The penultimate draft benefited enormously from the detailed and incisive commentary of the Editors.

## FREE-BORN AND MANUMITTED BAILIFFS IN THE GRAECO-ROMAN WORLD\*

Several times in the past the question has been raised whether in Greece or in Rome there were any free-born citizens who would have been prepared to take over the management of a farm, a business thought to have usually been entrusted to slaves. In this connection the number of sources testifying to the manumission of Roman slave bailiffs has also attracted some attention. It must be said, however, that notwithstanding previous scholarly efforts to assemble the relevant testimonia, important evidence has been disregarded or simply overlooked; in addition, in one instance at any rate, a source was not yet available.

In respect of Greece, the discussion has revolved almost exclusively around some

\* My thanks are due to Dr Peter Garnsey (Cambridge) for commenting on an earlier draft of this paper.

scattered allusions in Xenophon, the inherent ambiguity of which has effectively impeded any consensus among scholars. This is however not the place to join in this controversy, the more so as there does not seem to be any firm ground on which to base an argument.<sup>1</sup> Suffice it to say that so far neither has a single free man who had acted as a bailiff become known,<sup>2</sup> nor has a single text been produced which referred to even the mere *possibility* of a free-born person assuming the position of an *epitropos*. Nonetheless, evidence for the latter does exist.

In his condensed sketch of how to set up a proper household (*oikia*) the author of the first book of the pseudo-Aristotelian *Οἰκονομικός* laconically asserts that there are two kinds of slaves to be employed: δούλων δὲ εἶδη δύο, ἐπίτροπος καὶ ἐργάτης ([Aristot.] *Oecon.* 1.5, 1344a25f.). Almost three centuries later Philodemos of Gadara objects to such a classification in his treatise *Περὶ οἰκονομίας* (col. ix lines 16–20, p. 30 ed. Jensen): καὶ π[ώ]ς δού[λο]ν δύ' εἶδη φησίν, τ[ὸν] ἐπίτροπον καὶ τὸν ἐργάτ[ην], ἀμφοτέρων καὶ ἐλευθέρων εἶναι δυναμένων...; – 'and how can he say that there are two kinds of slaves, the bailiff and the hand, while both of them can also be free men?' While free-born *ergatai* who may be regarded as seasonal labourers are attested elsewhere as well,<sup>3</sup> this statement seems to be the only one in the Greek literary sources which *expressis verbis* considers the existence of non-slave bailiffs a possibility, or even takes it for granted.<sup>4</sup>

In comparison with the meagre Greek evidence just presented, a survey of the Roman material turns out to be more rewarding. One's starting point is, of necessity, the only specific treatment this topic has ever received, a short article by R. Beare published in this journal more than a decade ago.<sup>5</sup> Whereas the main argument of that paper, according to which the *mercennarius* in Colum. 1 pr. 12 is a slave who was formerly hired out but in old age is going to be employed as a bailiff on his owner's farm, seems reasonable enough,<sup>6</sup> it is impossible to assent to Beare's more general conclusions: first, that – following her new interpretation of Colum. 1 pr. 12 as pertaining to slaves only – 'freeborn bailiffs are nowhere mentioned' (in the Roman sources) and, accordingly, 'did not exist'<sup>7</sup> and second, that *in toto* only two (epigraphical) references to the manumission of slave bailiffs are known.<sup>8</sup>

<sup>1</sup> On Xen. *Mem.* 28.1–4 cf. H. Bolkestein, *Economic Life in Greece's Golden Age* (Leiden, 1958), p. 29; *contra* G. Audring, 'Über den Gutsverwalter (epitropos) in der attischen Landwirtschaft des 5. und des 4.Jh.v.u.Z.', *Klio* 55 (1973), 109–16, p. 114; G. E. M. de Ste Croix, *The Class Struggle in the Ancient Greek World from the Archaic Age to the Arab Conquests* (London, 1981), p. 505. The latter's views were in turn rejected by E. M. Wood, *Peasant-Citizen and Slave. The Foundations of Athenian Democracy* (London and New York, 1988), p. 69 (who also adduced Xen. *Por.* 4.22 as possible relevant evidence). Another text whose exact meaning is open to debate is Xen. *Oecon.* 1.3–4: cf. Audring, art. cit., p. 115; Ste Croix, op. cit., p. 182. A new interpretation of this passage (as referring to farm-tenancy) was recently put forward by Wood, op. cit., pp. 75–7.

<sup>2</sup> Although this may be a function of the nature of our evidence; cf. Audring, art. cit., p. 115.

<sup>3</sup> The evidence is conveniently collected in Ste Croix, op. cit., p. 576 n. 16.

<sup>4</sup> We cannot know how far the gap of 250 years separating the two works and the different geographical settings of the authors account for their discordant views. Though there may have been developments in the rules and procedures governing the appointment of bailiffs it must be borne in mind that Philodemos still aligned himself with the authorities of the fourth century B.C.

<sup>5</sup> R. Beare, 'Were Bailiffs Ever Free Born?', *CQ* 28 (1978), 398–401.

<sup>6</sup> *Ibid.*, p. 399 *ad* Colum. 1 pr. 12 ('mediarum facultatum dominus, ex mercennariis aliquem iam recusantem cotidianum illud tributum, quia vectigali esse non possit, ignarum rei, cui praefuturus est, magistrum fieri iubet').

<sup>7</sup> Beare, art. cit., pp. 400 and 401, respectively.

<sup>8</sup> Cf. *ibid.*, p. 398, citing *CIL* III 7147 and *ILS* 7372 (thus correcting the earlier view of W. E. Heitland, *Agricola* (Cambridge, 1921), p. 158, who had been ignorant of any such evidence).

First of all, a free-born *actor* who, at least, *may* well have been responsible for the management of a *fundus*, is mentioned on an inscription from Furnos in rural North Africa: 'Memoria / Blossi·Hono/ratus ingenuus actor / perfecit.'<sup>9</sup> Moreover, it would be an unwarranted assumption to treat bailiffs appearing, without further connotation, in other epigraphical documents as slaves *a priori*. This might especially be true of inscriptions from the northern provinces of the empire; one example is a tombstone found on the border between Raetia and Noricum near Passau which bears the following text: 'D(is) M(anibus) / Flora vilica / Urso actori / marito caris/simo (obito) an(norum) XIV / et Iucundo / sopro et Succ/ess(a)e socr(a)e pie/ntissimus et / sibi viva fecit / et Successus f(ilius) parentib(us) pientissimis.'<sup>10</sup> In this case there is no conceivable reason why these persons should *not* be considered free-born natives.<sup>11</sup> The same applies in all probability *mutatis mutandis* to a lot of other bailiffs known from regions other than Italy.

As regards the occurrence of *manumitted* bailiffs, shortly after Beare's article the following relevant inscription was published: '[B]rittius M(arci) l(ibertus)/ [Ale]xander, vilicus,/ et Brittia M(arci) l(iberta)/ Apamia.'<sup>12</sup> What is more, apart from the epigraphical material, a whole body of evidence was entirely neglected by Beare, namely the juristic sources.<sup>13</sup> One of the most telling texts is the manumission formula given by Scaev. *Dig.* 40.5.41.15 (arranging for the manumission of a bailiff and his wife after eight more years of service): 'herede filio suo ex asse instituto libertatem dedit in haec verba: "December dispensator meus, Severus vilicus et Victorina vilica Severi contubernalis in annos octo liberi sunt: quos in ministerio filii mei esse volo."'<sup>14</sup> Again, the context makes it probable that the *actor* mentioned in Paul. *Dig.* 32.97 is to be understood as the manager of a rural estate: 'Hosidius quidam instituta filia Valeriana herede actori suo Antiocho data libertate praedia certa et peculium et reliqua relegaverat tam sua quam colonorum.' Another illustration is provided by Scaev. *Dig.* 32.41.2: 'idem [i.e. testator] postea petiit ab heredibus suis, ut regionem Umbriae Tusciae Piceno coheredes uxori suae restituerent cum omnibus, quae ibi erunt, et mancipiis rusticis vel urbanis et actoribus exceptis manumissis.' The expression *exceptis manumissis* most probably refers only to the *actores* (freedmen not being included in *mancipia*). This seems to show that the tasks of rural *actores* need not have been fulfilled by slaves only: in any case bailiffs could retain their position even after manumission.<sup>14</sup>

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<sup>9</sup> *CIL* VIII 25817 = *AE* 1978.880. The fact that *ingenuus* is not part of the *actor's* name but the declaration of his *status* is corroborated by an analogous North African inscription, *AE* 1906.11, line 5: 'Vitalis ser(vi) act(or)is' (which, as the context shows, does not refer to a *servus* of the *actor*, but to the *servus actor* himself).

<sup>10</sup> *CIL* III 5616 = *IBR* 437.

<sup>11</sup> Cf. along these lines H. Wolff, *Führer durch das Lapidarium im Römermuseum 'Kastell Boiotro'* (Munich, 1987), p. 30: 'Die fünf Personen der Grabinschrift waren anscheinend freie Nichtrömer.'

<sup>12</sup> *AE* 1980.229 (Capua).

<sup>13</sup> Even though the specific cases quoted below may have been fictional, the underlying motif – the manumission of farm-stewards – must have reflected social realities.

<sup>14</sup> Other manumitted *actores* referred to in the *Digest* are not clearly characterised as running rural enterprises: cf. Scaev. *Dig.* 40.7.40.3, 7, 8. But see also S. Gsell, 'Esclaves ruraux dans l'Afrique romaine', in *Mélanges Gustave Glotz* I (Paris, 1932), pp. 397–415, p. 410 and n. 10 on the *actor* in *Nov. Valent.* 6.1.1 (A.D. 440).