

## CHAPTER I

*Imagining the Roman Scriba***Knowledge Is Power**

The history of the Roman *scribae* is best characterised by a Republican hero. While the prototypical Republican hero was a man of war, Cnaeus Flavius (A.73), our scribal hero, wielded a sharp pen rather than an edged sword. His conquest was not territory, but knowledge. We owe the most picturesque version of Flavius' heroic deeds to Cicero.<sup>1</sup> Flavius, in defiance of his post as a subaltern clerk of the Republican state, discloses to the people legal documents jealously guarded by a small elite. On a daily basis, Flavius diligently learns parts of the texts by heart and subsequently commits them to writing. By eventually publishing the legal rules he manages to trick his superordinates and, in Cicero's words, 'peck out the eyes of the raven'. Flavius' release of the *fasti* and *legis actiones* – later aptly known as the *ius civile Flavianum*<sup>2</sup> – publicised knowledge pivotal for the initiation of legal action. This knowledge was power and thanks to the *scriba* it finally left the hands of the privileged few.

Cn. Flavius' motives and, in fact, even the particulars of his life are obscured by conflicting narratives of the Republican annalistic tradition. It may come as no surprise that the story of our scribal hero was politically charged. Set at the very end of the fourth century BC, Flavius' career had by the Middle Republic become an epitome of the Struggle of the Orders. The son of a freedman, backed by the *plebs* and through his apparitorial post as *scriba* closely associated with its champion, the *ensor* Appius Claudius Caecus, managed to snatch the *ius civile* from the aristocracy, and later be elected curule aedile and tribune of the plebs himself only to be despised as a social and political upstart by his new peers in the Roman senate.<sup>3</sup>

<sup>1</sup> Cic. *Mur.* 25.

<sup>2</sup> Dig. 1. 2. 2. 7.

<sup>3</sup> The analysis of the annalistic tradition in Wolf (1980). Cn. Flavius mentioned in Piso *fg.* F29 (FRH) = GELL. 7. 9. 1–6; D.S. 20. 36. 6; Cic. *Mur.* 25; Cic. *de orat.* 1. 186; Cic. *Att.* 6. 1. 8; Liv. 9. 46. 1–12; Liv. *perioch.* 9; V. MAX. 2. 5. 2; 9. 3. 3; PLIN. *nat.* 33. 17–19; Dig. 1. 2. 2. 7; MACR. 1. 15. 9.

Regardless of whether we consider the persona of Cn. Flavius to be historical or merely a convenient product of annalistic fiction, it is certainly no coincidence that we find him to be a *scriba*. As such he plausibly fitted the narrative, political colour notwithstanding. By stripping the various narrative strands of their factionist embellishment, J. G. Wolf has convincingly shown that the main theme of Flavius' story was the political and social advancement of a man of humble origins to the heights of the Roman magistracy and the senate.<sup>4</sup> Indeed, the 'apparitorial world was the world of the social climber', as N. Purcell has put it with regard to the *scribae*.<sup>5</sup> Yet, it was not only this main theme that made a *scriba* a plausible figure for this specific scenario. Social mobility was only a consequence of the *scriba*'s place in the Roman world in general. In a world in which literacy and power were aristocratically monopolised, the *scriba* was able to participate in both – even though his low social origin and his ancillary profession did not initially allow for such influence. His scribal post brought him close to the powerful. His role as an expert in literate practice set the arcana of the state in the form of legal and financial documents at his disposal. Admittedly, the *scriba*'s power was collateral<sup>6</sup> and precarious, and influence and money often came at a price: abuse of position.

Cn. Flavius, in this sense, serves as the quintessential prototype, exemplifying the world of the Republican *scriba* in a nutshell.<sup>7</sup> The implications of his humble origins and subordinate profession contrast and clash with the potential of his specialised skills, his social and political affiliations and, as a consequence, his position of intimate knowledge and trust. It is obvious that the annalistic vignette of the *scriba* Flavius is an exaggerated one. Flavius, as the first Roman *scriba* we know by name, already represents the apex of his kind, both in terms of social mobility and political power. Nevertheless, his legacy lived on. The key issues raised by Flavius' life and deeds echo through the entire history of the Roman *scriba*-ship.

It is these key issues of Roman *scriba*-ship that I will explore in the course of this study to arrive at a history of the Roman *scribae*. The study is, thus, much less chronological than it is thematic. I do not, in the first place, aim to write an institutional history of the apparitorial office of the Roman *scriba*. I am much more interested in the societal and cultural implications of the *scriba*'s professional expertise and his consequent position in the

<sup>4</sup> Wolf (1980) 28.

<sup>5</sup> Purcell (1983) 136.

<sup>6</sup> This characterisation with regard to the apparitorial *accensi* by Stefano Manzella (2000).

<sup>7</sup> Purcell (2001) 637.

Roman apparatus of state. I aim, therefore, to place the Roman *scriba* in Roman society and culture. What did it mean to be a Roman *scriba* – both in terms of professional skill as well as social status and public prestige?

### Scribal Capital

Roman society was predominantly hierarchical. As such, social rank and social status were two parts of the same equation.<sup>8</sup> However, status was not a fixed entity in Roman society, it was alterable and negotiable. Status changes and thus social mobility were a reality, especially for the Roman *scribae*.<sup>9</sup> As I will try to show, a crucial factor in the prospects of social advancement and change of social status of the *scribae* was their professional expertise, their mastery of literate practices.

What empowered *scribae* was what the French anthropologist and sociologist Pierre Bourdieu has categorised as ‘cultural capital’. As part of his larger theory of social class negotiated by ‘taste’-distinctions (‘habitus’), Bourdieu postulated different forms of capital at play.<sup>10</sup> In marked contrast to Marxist and economic class theory and following Max Weber,<sup>11</sup> Bourdieu sought to incorporate non-economic factors into his explanation of the workings of societal stratification and social status. He thus defined capital more broadly as ‘accumulated labor’.<sup>12</sup> Besides ‘economic capital’ (wealth) he established the categories of ‘social capital’ (social connections) and ‘cultural capital’ (cultural and intellectual assets). In Bourdieu’s model, these forms of capital may appear as either ‘materialised’ (objects) or ‘embodied’ (knowledge), enabling social actors to ‘appropriate social energy in the form of reified or living labor’.<sup>13</sup> This ‘social energy’ may be transformed into one of the three forms of capital or, ultimately, into the fourth form of ‘symbolic capital’, i.e. prestige and status. In Bourdieu’s system, ‘cultural capital’ and social origin together form the nucleus on which the accumulation of the other forms of capital depends, thus stressing the importance of birth and socialisation – a concept very familiar to Roman society.

<sup>8</sup> See the overview of the relevant research by Peachin (2011); on the question of the general characterisation of Roman society see the discussion in Alföldy (2011), especially 197–205 with a discussion of the critique on his ‘soziale Pyramide’ 196; on the disputed question of a Roman middle class most recently Mayer (2012) 1–21.

<sup>9</sup> On the *scribae* and the other *apparitores* already Purcell (1983).

<sup>10</sup> Most concisely Bourdieu (1986).

<sup>11</sup> Weber’s theory of stratification postulated, in addition to economic classes, status (‘Stand’), which was defined by non-economic factors, (2002) 534–8.

<sup>12</sup> Bourdieu (1986) 46.

<sup>13</sup> Bourdieu (1986) 46.

I intend to make use of Bourdieu's framework of different 'capitals' to systematise and rationalise my argument about the role and place of the *scribae* in Roman society. Bourdieu's model naturally allows us to adequately incorporate the aspect that defined Roman *scribae* the most: their skill in reading, writing and reckoning, which set them apart from a major part of Roman society. As obsessed as Romans (or rather the elite) were with social origin and property, individual skill and prowess carried weight nonetheless. I will argue that it was the *scriba's* 'embodied cultural capital', his expertise in literacy and numeracy, which allowed him, by way of his public office, to attain important social connections ('social capital') in the first place. These social connections eventually entailed the possibility of the accumulation of wealth ('economic capital'). All three 'capitals' bore the possibility of a change in status, i.e. the acquisition of 'symbolic capital'. Literacy skills, social connections and wealth were prerequisites for the *scriba's* social mobility, his place in Roman society.

The study is divided along the lines of these different prerequisites. A first part deals with the *scriba* in his role as an expert in literacy and literate practice. Being able to read, write and reckon was an undeniable asset in a society only partially literate and numerate, even more so when the state eventually came to rely heavily on this knowledge for its functioning in financial and legal administration. A look at Roman literacies in general and Roman literate administrative and archival practice in particular reveals the importance of the Roman *scribae* for the functioning of Roman administration. The *scribae* were strongly linked to the *tabulae publicae*, the repository of knowledge of the Roman state, archived on large-format wax tablets. They were the veritable guardians of these *tabulae*, of the knowledge they contained and of what they stood for symbolically.

A second part is dedicated to the structure and workings of the apparitorial system of the *scribae*. The system as such, as well as the recruitment and assignment of *scribae*, was well-regulated. The apparitorial system was, after all, a substantial part of the Roman constitutional state. This system, however, was susceptible to the peculiarities of Roman social relations. Patronage and partisanship played a significant part in the world of the *scribae*. The appointment of a *scriba* was not an apolitical, bureaucratic act, but instead was highly politicised. After all, installing a confidant as *scriba* could mean influence and access to power – not only for the patron, but also for the protégé.

A third part addresses the subversive side of the role of the *scribae* in the Roman state. The combination of expertise, position and socio-political enmeshment discussed in the preceding parts opened the doors to abuse

and embezzlement. *Scribae*, in their role as bookkeepers and archivists, stood with their own social reputation for the integrity of the records they administered. As a result, they were the ones to bribe and, indeed, frequently lined their own pockets. The discourse of malpractice is a constant in the history of the Roman *scribae*. The position was, in general, a financially lucrative one, attractive to both honest and less honest characters.

A fourth part investigates the Roman *scribae* and their place in Roman society, both as individuals and as a social group. Social mobility was a constant in the history of the Roman *scribae*. It was the combination of stereotypically low social origin with the prestige and the social and financial possibilities opened up by the scribal post that resulted in social advancement and made for truly extraordinary careers. Besides legendary Republican tales of *scribae* become senators, the social reality of most Roman *scribae* was the aspiration towards the equestrian order.

A final, fifth part serves at the same time as a conclusion and as an epilogue to *scriba*-ship in the Later Roman Empire. The Roman *scriba*-ship did not just cease to exist with Diocletian's reordering of the Roman state. The idea of the *scriba* lived on, albeit in various forms.

### Evidence Lost

The scope of this book is – naturally – limited by our sources on the Roman *scribae*. And limited it is indeed. We are seemingly confronted with a paradox. Although we are dealing with a group of people that was tasked with the making, keeping and using<sup>14</sup> of an enormous body of written text in antiquity, we are completely deprived of the day-to-day work of the *scribae*. Not a single scrap of what *scribae* have written survives.<sup>15</sup> The peculiarities of the support material ensured that nothing would ever reach modern times. The Roman state mainly made use of wooden wax tablets (*tabulae ceratae*) and, to a lesser extent, sheets of papyrus (*chartae*) whenever it chose to document its administrative activities.<sup>16</sup> Unfortunately, organic material is prone to decay and decompose; only specific, anaerobic

<sup>14</sup> The idea of these three different and not necessarily consequential steps in dealing with written documents in Clanchy (1993) 154.

<sup>15</sup> See the survey of Roman archives and archival practice aptly named *la mémoire perdue* in Nicolet (1994), continued in Moatti (1998), Moatti (2000), and Moatti (2001); with respect to the *scribae* emphatically Purcell (2001) 634.

<sup>16</sup> Only a small percentage of text shelved in the archives, especially legal texts, made it onto more durable materials such as stone and especially metal. Their durability was limited as well, see Williamson (1987), Eck (2014), and Kolb (2015).

conditions preserve these precious ancient documents<sup>17</sup> – conditions not met in the Roman capital. More importantly, what was recorded were administrative legal and financial procedures. The fate of these documents was closely connected to the political system they documented. They were, thus, bound to become obsolete. The nature of the documents, especially the financial ones, made sure that their end would come sooner rather than later. There are few things more prone to catch fire than debts recorded on waxed wood.<sup>18</sup>

A look over the *scriba*'s shoulder on the basis of his own professional writings is thus not possible. What we are left with are images of the *scriba*'s labour in the texts of other writers. Unfortunately, our literary sources are not specifically interested in the work and life of *scribae* as such. Rather, *scribae* mainly fill the role of supernumeraries in the plays of – in the eyes of the upper-class authors – more important actors. As a result, the corpus of sources on *scribae* mainly consists of short mentions, allowing the occasional glimpse of their regular professional or private lives. It is only in special cases such as the tale of Cn. Flavius that *scribae* steal the spotlight. In these cases, as we have seen, their role most often becomes controversial: they act, in the words of N. Purcell, as 'paragons of the problematic'.<sup>19</sup> Naturally, the obvious and regular did not need telling. The exceptional was deemed much more interesting by our historical informants and their audience. One of the most prominent ancient *scribae*, the Augustan poet Q. Horatius Flaccus (A.88), may serve as a case in point. While his extensive oeuvre paints a vivid picture of his life and times, his activities as *scriba* are mentioned only at the sidelines and very sparingly. Work to rule was beneath notice. Much more interesting was behaviour out of the ordinary, when *scribae* transgressed professional or social boundaries, such as M. Claudius Glicia (A.42), who was named *dictator* by P. Claudius Pulcher in 249 BC, or the infamous Maevius (A.109), who was C. Verres' accomplice in plundering the province of Sicily in the late seventies of the first century BC, to name just two of the most prominent.

What we know about the *scribae* from literary sources is, as a result, very often a picture in the negative, documenting the extraordinary. The

<sup>17</sup> See for example the case of *tabulae ceratae* in Hartmann (2015).

<sup>18</sup> A certain Q. Sosius is said to have set alight the central archive, the *tabularium*, in the first quarter of the first century BC; Cic. *nat. deor.* 3. 74. Hadrian's general debt relief is later achieved by officially and publicly burning the respective *tabulae ceratae*; see the relief depiction on the so-called Plutei Traiani (Fig. 2.2), Koepfel (1986) 21–3 no. 2, cf. *CIL* 6, 967; Dio 69. 8. 1<sup>2</sup>. Cf. the debt relief by Aurelian, Hist. Aug. *Aurelian.* 39. 1. On the deliberate destruction of compromising documentary evidence in general see Moreau (1994) 141–3.

<sup>19</sup> Purcell (2001) 638.

ordinary is not completely lost to us, however. In describing the overstepping of the accepted bounds, these negatives can show us the professional, social and cultural limits of *scriba*-ship. They convey idealised pictures of *scribae* and their role in Roman political, social and cultural life as they were seen at any given time. This outside view is mainly limited to the Roman Republic, however. Not very surprisingly, Cicero is our main source. His intimate knowledge and analysis of the political and administrative system as well as his interest in Roman social relations make his writings a treasure chest for the history of the late Republican *scribae*. In particular, his speeches against C. Verres and his partners in crime, among them *scribae*, constitute an invaluable resource. *Scribae* and scribal matters mentioned by later writers, such as Dionysius of Halicarnassus, Livy, Plutarch or Cassius Dio, in many cases make reference to Republican times. For the imperial period, literary evidence is scarce; attestations are few and far between. Looking at our narrative sources, one could thus easily take the Roman *scriba* as a Republican phenomenon.

Fortunately, abundant epigraphic evidence supplements our knowledge and greatly expands our picture of imperial *scribae*. While we lack narrative accounts involving *scribae* for the greater part of imperial times, inscriptions provide us with a different access to our subject. Rather than giving an outside view they often let us get closer to the persona behind the label *scriba*, telling us about the individual's career and life as well as – owing to the peculiarities of the epigraphic medium – his self-perception and self-representation. This peculiar historical tradition results in the fact that we know more than 300 imperial *scribae* by name, while our knowledge of Republican ones is restricted to approximately one-sixth of that number. What is more, legal texts pertaining to *scribae*, such as the Sullan *lex Cornelia de XX quaestoribus*, the Caesarian *lex Iulia municipalis* or the *leges coloniae* of *Urso* and *Irni*, survive in epigraphic form and further our understanding of, above all, organisational aspects of Roman *scriba*-ship.

Pictorial testimonies complement the literary and epigraphic sources. Relief representations of *scribae* can be found on sarcophagi and other funerary monuments of magistrates, both in Rome and in the provinces. In such cases, *scribae* are most often depicted as part of a magisterial following of *apparitores*, which was meant to emphasise the importance of the deceased in his public role.<sup>20</sup> Reliably identifying *scribae* in pictorial representations other than such 'Beamtenaufzüge' and *sella curulis* reliefs

<sup>20</sup> In general Wrede (1981); Schäfer (1989) nos. 2, 11, 24, 70, 71, 73, 74, 75, 78, 79, C53; Wrede (2001) 71f.



is difficult, however. Contextual information is key as depictions of men holding writing material were a popular motive even outside the circles of writing professionals.<sup>21</sup> Conclusive identification is only possible in two instances. The so-called Ara degli Scribi (see Fig. 5.1), unearthed in the year 2000 at ‘vigna Casali’ near the Porta S. Sebastiano in Rome, preserves the *memoria* of the two Fulvii brothers (A.81, A.82), who had both been *scribae* of the *aediles curules*. The marble altar is spectacularly decorated, allowing us to envision the *scribae* at their workplace.<sup>22</sup> Another occupational scene is depicted on the funerary inscription of a local *scriba* from the Lucanian colony of Paestum (see Fig. 2.4). The marble slab, only recently found as a spolium in a farmstead outside the limits of the city, shows a certain [Ca]murtius [Se]verus (A.242) busy with the administration of the city’s finances.<sup>23</sup> Both monuments allow us to catch rare glimpses of *scribae* in their element. At the same time they represent outstanding testimonies of scribal self-perception of the first decades of the first century AD.

While conclusive identification of depicted *scribae* is difficult, our written sources are more precise. The denomination of *scriba* was an official one. As it entailed privileges and duties it was sanctioned by the Roman state. It is true that there were many other specialists of writing in Roman public and private life. Yet, despite the fact that the word *scriba* itself is of a most unspecific nature, derived from the Latin verb *scribere*, it was used exclusively for people occupying a place as a Roman *apparitor*. By analogy, it was later carried over to designate officially employed or assigned scribal officials in provincial cities in the West, in *collegia* and the Roman fleet. These positions shared the original characteristics of their counterparts in the Roman state: they were bestowed with privileges and duties; they were official functionaries of their respective bodies (see Chapter 3). The fixity of the term is best illustrated by its translation into Greek. *Scriba* was merely transliterated: σκρ(ε)ιβα(ς) became the official denomination. The term γραμματεὺς would have been the obvious choice had it not already identified a distinct office of the Greek *poleis* for a long time and continued to do so in Roman times.<sup>24</sup> In fact, Greek writers nevertheless often employed the term γραμματεῖς for Roman *scribae*, yet only when contexts were obvious. Inscriptions speak exclusively of σκρ(ε)ίβαι to avoid confusion with the office of the Eastern *poleis*.

<sup>21</sup> E. A. Meyer (2009).

<sup>22</sup> Rotondi (2010) 136–40; Zevi and Friggeri (2012).

<sup>23</sup> Mello (2012).

<sup>24</sup> Schulte (1994).



This official title makes it relatively easy to keep track of the office of the Roman *scriba* through the ages, from its mythical beginnings at the birth of the Roman Republic at the end of the sixth century BC, to the turmoil of the late Republic and the onset of the Empire, to the Later Roman Empire through to Ostrogothic Italy of the sixth century AD, where we meet with a seeming relict of a distant past. Yet, in tracing the evolution of Roman *scriba*-ship and its consequences for the individual *scriba*'s role in the Roman state and society, we are bound to focus mainly on the late Republic and the early and high Empire. It is the time span for which our sources are most numerous and consistent. At both ends of the spectrum, the testimonies become fewer and more isolated, complicating the acquisition of reliable historical knowledge.

### Images of *Scriba*-ship

The scientific quest for historical knowledge on the Roman *scribae* is inextricably linked with the name of the great Theodor Mommsen. It is true that researchers have been interested in the history of writing and thus of scribes in general and *scribae* in particular before Mommsen, especially so since the seventeenth century.<sup>25</sup> Yet, it was the German historian who put the scientific inquiry on this topic on a new footing. Not only did he base his studies on ancient evidence, first and foremost epigraphic testimonies, which he was set on seeking out and editing in his newly created mammoth project of the *Corpus Inscriptionum Latinarum* (CIL). He also sought to incorporate the Roman *scriba* in the greater context of the organisation of the Roman state and organisation. Already his dissertation of 1843 at the University of Kiel touched upon the subject in an analysis of Sulla's *lex Cornelia de XX quaestoribus*.<sup>26</sup> Five years later, he expanded on organisational questions related to the *apparitores* of the Roman state, especially the *scribae*, on the basis of an analysis of inscriptions of the city of Rome.<sup>27</sup> These studies, substantial as they were in themselves, were mere spadework for his monumental *Römisches Staatsrecht* published in 1871. In a desire to systematise and explain the Roman state in its structure and workings, he covered the Roman *scribae*, together with the remaining 'Dienerschaft der Beamten', as he called it, in the first volume of his opus,

<sup>25</sup> Hergött and Bürger (1668); Eschenbach and Spies (1687); C. H. Trotz in Hugo (1738) 451–513.

<sup>26</sup> Mommsen (1843).

<sup>27</sup> Mommsen (1848).

which was devoted to the Roman magistrature.<sup>28</sup> His intimate knowledge of the ancient evidence and its thorough treatment set the benchmark for the next century of scientific research<sup>29</sup> and still represents the foundation of scientific inquiry into the Roman *scribae* today.

Mommsen set out to write the history of Roman Republican institutions according to – as the title *Staatsrecht* suggests – a construed constitutional law.<sup>30</sup> As a result, he treated the *scribae* in the organisational framework of the Roman state. He was interested mainly in the institutionalised office of the Roman *scriba* and its embedding in the apparitorial and magisterial system. He thus portrayed the Roman *scribae* as essential, yet lesser institutional entities tasked with higher scribal duties in a well-ordered apparatus governed by rule of law. The people fulfilling these duties were of secondary importance. After all, Mommsen was a child of his times; he himself would not witness the orientation of historical scholarship towards social history by a fair margin. Nevertheless, to him belongs the credit for drawing attention to the function and importance of the Roman *scribae* in the Roman state. His well-founded and thorough analysis set the unsurpassed standard for similar studies devoted to Roman institutional history for decades to come. The Roman *scribae* were now an integral part of Roman history.<sup>31</sup>

With the advent of social history in the second half of the twentieth century, the Roman *scribae* became the subject of new questions. They were still treated only in relation to other contexts, however. The common focus of historical scholarship now lay on the question of social groups and their access to political power and wealth and, as a consequence, social mobility, be it in the context of Roman freedmen,<sup>32</sup> senators,<sup>33</sup> *apparitores*,<sup>34</sup> or knights.<sup>35</sup> It was as late as 1989 that Ernst Badian offered an exclusive treatment of *scribae*, looking at the prosopography and the social relations of

<sup>28</sup> Mommsen (1887) I 346–55. The page numbers are those of the final third edition, which will be cited throughout this study.

<sup>29</sup> August Krause's very similar and by no means less scientific and thorough study (1858) on the Roman *scribae* that preceded Mommsen's by more than ten years was made obsolete and is mainly forgotten today.

<sup>30</sup> Rebenich (2002) 118.

<sup>31</sup> Mostly dependent on or heavily influenced by Mommsen Herzog (1884–1891) I 855–8, 863–6; Karlowa (1885–1901) I 193–200; Kornemann (1921); Cencetti (1940) 40–2; A. H. M. Jones (1949); still Muñoz Coello (1982).

<sup>32</sup> Treggiari (1969) 153–9.

<sup>33</sup> Wiseman (1971) 70–4.

<sup>34</sup> Purcell (1983) and Cohen (1984).

<sup>35</sup> Demougin (1988) 707–12.