

UNIVERSITÀ DEGLI STUDI DI TRENTO
Dipartimento di Lettere e Filosofia

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Il lusso e la sua disciplina

Aspetti economici e sociali della legislazione suntuaria
tra antichità e medioevo

a cura di Laura Righi e Giulia Vettori



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UNIVERSITÀ DEGLI STUDI DI TRENTO
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MARCO MAIURO

TACITUS, *MODUS* AND *MENSURA*, OR THE RIGHT PLACE
FOR SENATORIAL RICHES *

1. *Premise: Shifting balance in the Augustan age*

Luxury is a social and economic marker, and a cultural construct. I propose to analyse a selection of episodes from the Julio-Claudian age concerning the uses of wealth and luxury, by reading several renowned pieces from Tacitus's *Annals*. I start from the assumption that his viewpoint, insofar as it was imbued with the ideology of the senatorial order, was a privileged one, as it gave voice to a discourse on the subject of how to use and display riches, and how to behave vis-à-vis the Emperor with regard to wealth. Tacitus grants unity and cogency to the theme; it is certain that he considered the issue both as a representative of his class and as a major theme of historical relevance. Many other ancient authors offer interesting insights, but these texts will be considered only in how they relate to Tacitus; mine is a partial, yet representative, focus.

The exercise that I propose draws inspiration (and it cannot be otherwise) from two modern classics of sociological thought, Thorstein Veblen's and Pierre Bourdieu's. The former proposed a general interpretation of 'conspicuous consumption' as the

* This paper was presented at workshops at the University of Trento and the University of Edinburgh in 2016. I wish to thank my hosts for their kind invitation, and above all Giulia Vettori and Elvira Migliario for having encouraged me to bring this piece to publication. Due to space constraints, I have kept the references to a minimum, citing only some classic commentators or very recent discussions, from which the reader can easily retrieve more abundant bibliographical materials. Translations are those of the Loeb Library. Martina Russo commented on the paper, and offered several insights and suggestions. J.B. Johnson reviewed the English, errors are mine only.

basis for discerning the dominant classes of the fin de siècle bourgeois Occident. In *Distinction*, Bourdieu traces the correlatives within which choices of taste, self-representation, and, ultimately, social classification may be framed. Whether and to what extent the outline given by Bourdieu in his analyses of post-war French society may be generalized and adopted for other ages or within other contexts has been the subject of much debate. His analysis drew its empirical foundation from a qualitative survey regarding social class, income, and education levels in 1960s France. Of course, the detailed conclusions reached by Bourdieu cannot be applied mechanically in other contexts; today, just forty years after its publication, the text reads as largely out-dated, because in France and elsewhere the social classes, their tastes, and their means of self-representation have changed. But several key points that act as a conceptual framework for careful interpretation of his ideas remain valid.¹

The concept that cultural capital – i.e., the set of values, consumption choices, and ways of representing the world and the self – informs the existence of each member of every class, beyond the individual's perception or consciousness of class, is a potent and still-valid construct. Hereinafter I will make particular reference to the concepts of space, limits, and boundaries; cultural choices are in the broadest sense the means by which socially homogeneous groups organize and define their symbolic boundaries, which are negotiable, in the sense that social change involves a displacement of the symbolic boundary between class and lifestyle. Furthermore, cultural consumption, in its public definition of social boundaries, must have visibility (Veblen's 'conspicuous consumption'). The negotiation of social boundaries therefore occurs between the parties involved; a map of the space of negotiation 'must' be outlined: who is negotiating what, and with whom? To what extent is the negotiation public? And how is the boundary

¹ Bibliography is almost boundless. Casual references to the two authors can be found in several works of ancient history.

defined? As we shall see below, the passages of Tacitus, when examined in this light, reveal the deep changes in the relationship between the senatorial elite and its concept of wealth in the Julio-Claudian era, and the Senate and the Emperor in the areas of wealth, luxury, and property – three elements by which we define the social identity of the Roman aristocracy.² We may start from the observation that after a centuries-long tradition of sumptuary laws and public debates over the correct use and display of certain forms of wealth,³ the years 16-22 CE saw the last resumption of such debates and their definitive abandonment. From then on, we do not seem to read any more about this public concern; indeed, if there were debates, they slipped away from public view, and the Tacitean narrative illustrates this.⁴

Recent attempts to formalize the issue of luxury and sumptuary laws in Rome in a historical-economic and socio-historical sense have brought new insight to the debate. I refer here, as an example, to the essay of Dari-Mattiacci and Plisecka,⁵ according to which the Republican sumptuary laws were an attempt on the part of the Senate to convey its own social primacy in response to the growing economic power of the equestrians; the discontinuance of the laws in the Imperial age stemmed from the senatorial class's loss of political power

² A collection of data and analysis of vocabulary about senatorial wealth in the early Empire is in Mratschek-Halfmann 1993; the best discussion, to my knowledge, of such topics is in Pani 1992.

³ The literature on Republican sumptuary legislation is vast: Clemente 1981 is the starting point for any recent critical appreciation; Baltrusch 1989; Coudry 1988, and 2004; Dauster 2003 are all important. See also the collection of essays published in «Mélanges de l'École Française de Rome», 126 (2016), fasc. I (Andreau-Coudry 2016).

⁴ Legislation was thereafter enforced regarding the spending, lifestyle, and consumption habits of the lower classes (see Le Guennec 2016). This is, of course, a completely different matter, only loosely related to sumptuary legislation chastising aristocratic behavior, and peer-check and competition played no role herein.

⁵ Dari-Mattiacci – Plisecka 2012.

to the Imperial machine. I will not explore Republican legislation here; I am, however, interested in discussing the historical reasons for the discontinuance of sumptuary laws in Imperial times. Dari-Mattiacci and Plisecka begin their examination with the assertion that luxury and the sumptuary laws socially define the class to which the richest people belong; the laws are a public trial of the enrichment of one social class.

In fact, this seems to relate to the increased prosperity of the senatorial class as a whole in the late-Augustan and Tiberian age. The Augustan and Julio-Claudian era had been a time of substantial enrichment for the entire class. Though some ‘poor’ senators – often of ancient lineage, e.g., Hortensius Hortalus (Tac. *Ann.* 2.37.1), or the Aelii – were subsidized by the Imperial fiscus, in a phenomenon duly advertised by Imperial propaganda and reported with a degree of bitterness by senatorial writers, this was quite certainly a very rare occurrence and of no relevance in economic terms;⁶ high-Imperial fortunes are incomparably bigger than those of the late Republic, and it is clear from our scanty evidence that large numbers of senators reached unprecedented levels of wealth in the period following the death of Augustus.⁷

In fact, a comparison of the admittedly meagre data on the wealth of prominent figures of the late Republic with those of the Imperial age yields macroscopic differences. The greatest

⁶ See also *Ann.* 3.55; also Sen. *Ep.* 47.10; on the phenomenon in general, see Klingenberg 2011, with full list of sources at 192ff., who overemphasizes the importance of the phenomenon of Imperial financial aid to impoverished senators.

⁷ Suffice it to cite the usually penetrating definition of Syme 1939, 351: «the aristocratic Republic had disguised and sometimes thwarted the power of money: the new order was patently, though not frankly, plutocratic». I am not touching on the archaeological correlates of this enrichment, which is however visible in the material evidence wherever we can compare Republican and high Imperial senatorial villas.

assets at the end of the Republic were primarily held by the consuls: M. Crassus, L. Licinius Lucullus, M. Aemilius Scaurus, Cn. Pompeius, and M. Antonius, to name only the best known; their immense wealth resulted from their military campaigns, robberies of shrines and provincials, and political actions (proscriptions foremost, above all for Sulla and M. Antonius). This wealth was not utilized so much for private purposes as to pay clients and veterans, bribe and support the Roman plebs, and finance the construction of public buildings and infrastructure.⁸ One gets the impression of a whirling cycle of riches, assets quickly gained and just as quickly lost – of sudden fortunes and sudden downfalls. The richest men of the Julio-Claudian era are political nullities in comparison to their forbears or exceptional freedmen: yet their fortunes are reported to have been on average much bigger than those of the greatest men of the Republic.

Political stability and proximity to the Emperors seem to have been the most crucial factors that made it possible for them to reach staggering levels of wealth.⁹ From Cicero's correspondence, for example, we learn that he was a debtor to at least nineteen people and a creditor to just as many, that he was reduced to poverty when he was exiled, and that he rapidly managed to regain considerable property. On the contrary, some of the largest fortunes of the Imperial age for which we have some quantitative data are greater than 200 million *sestertii*; the highest pinnacle of Republican wealth and a different sociological profile emerges: none of the extremely rich had a particularly brilliant military or political career, but these

⁸ Tan 2017 for the huge transfer from public to private wealth in the late Republic.

⁹ Data on Imperial senatorial wealth gathered in Duncan-Jones 1982²; on landed assets in Italy, Andermahr 1998; a minimalist but formalized approach to levels of inequality in the early Empire in Scheidel-Friesen 2009.

Imperial freedmen and senators found access to endless riches thanks to their proximity to the *princeps*.¹⁰

Briefly, fluidity in capital accumulation and management and fierce and merciless peer-competition are features of Republican social history that disappear altogether in the mid-Augustan period. Brilliant political careers had led to disproportionate disbursements of moneys that could – but need not – be repaid with more lucrative positions over the *cursus honorum*. Electoral *ambitio*, especially in tribal and centuriate assemblies, led to enormous expenses (*largitio popularis*) in the form of donatives for the plebs, tribes, centuries, etc. Military campaigns were also an opportunity for donations to be given to the soldiers (*donatiua*) and to the plebs in the form of extraordinary *congiaria*, and almost always for the creation and restoration of temples and shrines as well. Over the Augustan age not only did the brutal proscriptions cease but all other, at times extreme, forms of aristocratic ‘competition’ failed as well. The closure of arenas for competition and the exclusion from forms of euergetism occurred in several key sectors: regarding the plebs, *congiaria* from private individuals ceased, as did distributions of corn, and, after the reform of the centuriate assemblies in 5 CE, the bribes in electoral competitions; celebrating triumphs, founding veteran colonies, and funding public construction in Rome were also permanently blocked. Subsequently, the senatorial aristocracy could practice euergetism only in Italian municipalities and colonies, and in the provinces.

I am here interested more in the cultural aspect of this change, rather than in its economic relevance: how did members

¹⁰ Of course, our samples cannot be easily compared, as we do not have the wealth of information conveyed by Cicero’s letters. Our early Imperial evidence is all anecdotal, and freedmen are certainly overrepresented precisely because the wealth of the cases reported was a matter of scandal, moral reprobation, and malign gossip.

of the aristocracy conceptualize the shifting balance of power and wealth in the Julio-Claudian era? And how did they redefine the limit of what was deemed right, proper, or just about their own lifestyle? Perhaps not coincidentally, the last sumptuary law, a *lex Iulia sumptuaria*, which defined spending limits for banquets (Aul. Gell. 2.24; Suet. *Aug.* 34.1), dates to 18 BCE.¹¹ In fact, the penultimate decade of the first century BCE marks the virtual end of *public* conspicuous consumption by the aristocracy. Thereafter, ostentation is confined to the private sphere. With brevity steeped in bitterness, Tacitus reports that, now released from these obligations, *liberalitatibus exsolutus* (Tac. *Ann.* 1.15.1), the senatorial order willingly accepted the reform of the assemblies. It removed competition for the most important magistracies from the senatorial aristocracy, in fact depriving the assemblies of their authority: with this, the profusion of money in the *ambitio* of the candidate magistrates – the *largitio popularis* – became unnecessary.¹² This is the first hint in the *Annals* about the behaviour of the Senate concerning their growing economic power coupled with their dwindling political relevance. So, acceptance of a formal and substantial rupture of a key aspect of the Republican constitution – electoral competition – and the loss of direct responsibility for and patronage of the plebs are explained and justified by Tacitus in the opening chapters of his *Annals* as things that were compensated by economic gains — political and symbolic losses vis-à-vis financial gains; on top of that, a much looser bond of senatorial obligation to the Roman population was sanctioned.

¹¹ Rotondi 1912, 447.

¹² On this epochal shift in the senatorial role and function and its importance for the senators' enrichment, above all Pani 1992, 83ff., 215ff.

2. *Tiberius, the turning point*

The next two passages refer to the years 16 and 22 CE. These years are associated with two aborted attempts to introduce sumptuary measures, the first rejected in an address given by a *vir consularis*, the second silenced by a letter from the Emperor. Tacitus's choice to recount them with some luxury of detail speaks to the importance that he attached to the two episodes. In truth, the relevance given to senatorial debates on the introduction of a *modus* has a twofold narrative function – it introduces the theme of the *modus*, which will be reprised under Nero, and, due to the fact that the two occasions came to nothing, it marked the end of the centuries-old practice of senatorial debates and measures with regard to luxury; these episodes rank therefore as articulative nodes in a discourse that closes a Republican legacy and opens a perspective on what would be a new theme for the last of the Julio-Claudians.¹³

The senatorial debate over measures taken to limit luxury (16 CE) sparked a fierce, lucid, unconventional, and in some ways epoch-making discourse from Asinius Gallus (*cos.* 8). The great consul replied to those who wished to introduce the *modus argento, suppellectili, familiae* with an impassioned defence of ostentation (Tac. *Ann.* 2.33; see also Dio 57.12.1-2). The quantity of slaves, furnishings, and silver cannot be established against a valid-for-all yardstick, or an absolute benchmark; that is, excess and its lack can only be established in relation to the fortune of the possessor. The money of the Fabricii had one value, the Scipios another, and with the growth of the Empire, so too did private fortunes grow. Thus, the conclusion of his discourse was that rank-associated wealth respects differences in status within society – senators and equestrians are different in the census, and not in their natures; as the senators are preeminent *locis, ordinibus, dignationibus*, it is right that they

¹³ On the historical context of the first decade of Tiberian reign, Newbold 1974 and now Arcuri 2014.

possess what they need in order to have peace of mind and bodily health. Gallus's discourse is a kind of manifesto against the traditional ideology of the *modus*, of the proportion and containment of pomp, if not that of wealth. It has elements of a full and conscious break with the *exempla* of *frugalitas* of the late Republic and the Augustan age. Particularly noteworthy is the awareness of the historic evolution of the concept of wealth, which is used to break away from the glorious tradition of the Fabricii and Scipios; the awareness that wealth justifies rank, indeed, is innately connected to it. This too is a sharp departure from the typical rhetorical argument in the exemplification of the great models of behaviour of the Republic, when the *nobilitas* and *uirtus* of a Scipio Africanus were associated with the obscure *balneolum* of Liternum.¹⁴

Gallus's discourse easily convinced the Senate, and the introduction of the *lex de modo* was rejected. Tiberius was present; Gallus's indictment took place before the Emperor, and Tacitus's silence about his reaction speaks in favour of a substantial consonance of views. The public sphere where social distinction manifests itself (*locis, ordinibus*), which evidently alludes to senatorial rank, is reflected in the refusal to set quantitative boundaries on possession. It is interesting that Gallus felt it necessary to mark the status of his class in relation to those that were inferior; he makes no mention of the boundary between senatorial and Imperial wealth and display.

The second passage concerns the aediles' request that the *princeps* put an end to the unbridled luxury of the *mensae* (Tac. *Ann.* 3.53-54). Tiberius replied by letter, saying he did not want the many bystanders to feel the embarrassment of a public reprimand from the Emperor. The episode has been characterized by Syme as that of Tacitus who «reproduces the Emperor's masterly oration».¹⁵ In fact, the passage is an extraordinary example of artistic prose, and the consensus of

¹⁴ Whose most eminent example is, of course, Sen. *Ep.* 86.

¹⁵ Syme 1958, 444.

scholars demands that some expressions used in the letter actually be attributed to Tiberius's pen. It is an explicit statement of both an awareness of the problem and the impossibility of correcting it. Tacitus's Tiberius writes, «Where should I begin [*scil.* to repress luxury], perhaps with the boundless villas, or with the number and nationality of the slaves, with the quantity of gold or silver, or with the artworks of sculpture and paint? Or perhaps with the robes worn by men and women, or the passion of women for precious stones, the cause for the transfer of our wealth beyond the limits of the Empire, to enemy peoples?». The excerpt is an almost complete catalogue of the forms of luxury in vogue amongst the senatorial class.¹⁶ The Emperor proceeds to describe the futility of sumptuary laws, and thus resumes an old topos of Republican-age rhetoric on the corruption of customs caused by the enlargement of the Empire beyond Italic borders. And then the closing of the letter – a sort of explicit *excusatio* absolving senatorial luxury – places in comparison the paucity of the problem that had been raised with the enormity of the true problems afflicting Italy, i.e., dependence on the provinces and the exposition of the plebeians' sustenance to the whims of the sea: «how small is the problem raised by the aediles! How small it appears when compared to others!». The narrative closes with the historian's reflection on the hundred years of senatorial luxury between Actium and the death of Galba, corrected only by the entrance into the Senate of *homines noui* of the Italic municipalities and provinces, accustomed to a more moderate lifestyle, and especially Vespasian's *exemplum*, «*antiquo ipse cultu uictuque*». We will return to this last paragraph below.

¹⁶ *Mensae* are missing, though the serving of exotic food is precisely the kind of extravagant luxury that raised the sumptuary issue. Sen. *uit. beat.* 17 has a similar list that echoes, self-deprecatingly, what Seneca usually reproached.

It is important to note that this is the final episode (to our knowledge) of a public discussion about luxury.¹⁷ In this respect, I beg to differ with Ida Mastrorosa's reading, according to which Tiberius sought to direct the aediles' attention to more economically pressing issues.¹⁸ In fact, the problems Italy faced in Tiberius's letter were not within the aediles' competence and sphere of action; the tone is peremptory and almost disparaging, and the Emperor is here reproaching the waste of time and intellectual energies on a matter that is simply irrelevant. He is dismissive, not patronizing. Tiberius here breaks most clearly and openly also with the Augustan ideological stance on self-containment and the moderate and dignified public display of wealth (indeed, his father's celebrated *cura morum*),¹⁹ as Gallus had broken with that of the Fabricii and Scipios; the luxury of the senatorial class should not be subject to discipline or become a matter of public attention. The fact that conspicuous spending was, in essence, endorsed by the Emperor is of utmost importance, and indeed the letter inaugurated a public discourse about Imperial indifference to senatorial riches, of which we do have some scanty and anecdotal reports for the following century. And, it is Tacitus himself who points out that Tiberius's reign degenerated when he first showed interest in others' fortunes.²⁰ The *diligentia erga pecuniam alienam* marks

¹⁷ Something, of course, noted by many scholars: important is Coudry 2004, who hypothesizes that the list of sumptuary laws reported by Aulus Gellius (2.24) and Macrobius (*Sat.* 3.17.1) derive in fact from the lost *Coniectanea* of Ateius Capito, written in the Tiberian age. Interest in matters that seemed then outdated and old-fashioned, therefore an object of antiquarian research, may have been prompted, but need not have been, by Tiberius's letter. I think it difficult to prove that the content of Tiberius's letter was somehow shared (or inspired) by Ateius: the relevant historical point is that a debate arose, and it may well have involved intellectuals like Capito, and due to Imperial intervention, it came to nothing.

¹⁸ Mastrorosa 2007.

¹⁹ As advertised by him in *Res Gestae Divi Augusti* 8.

²⁰ In 24, and the episode of the accusations against C. Silius Caecina Largus mark a turning point: Tac. *Ann.* 4.20, on which Maiuro 2012, 23ff.

a turning point for the worse; *e contrario*, Tiberius's indifference is obliquely and implicitly praised as the correct position of Emperors towards senatorial wealth. Here are the signposts that mark the territory of Imperial encroachment on senatorial wealth: in the first six books of the *Annals* this discourse can be encapsulated in the opposition between indifference and interest. Here is the boundary that an Emperor should never cross.

This observation seems to me to be strengthened by the following point, to my knowledge never noted by Tacitus's commentators. Tacitus interrupts the narrative and takes stock of the first ten years of Tiberius's reign in *Ann.* 4.6.4. Among the many things that changed for the worse after Drusus's death, Tacitus enumerates that, so far, «*rari per Italiam Caesaris agri, modesta servitia, intra paucos libertos domus*».²¹ From a narrative viewpoint the chapter plays a crucial role: it marks the beginning of the dreadful final years of Tiberius. The list echoes – indeed overthrows – Tiberius's epistle: «*villarum infinita spatia, familiarum numerum et natione*». What Tiberius refuses to talk about in his letter becomes a parameter of judgment for the evaluation of the Emperor's action: the same set of parameters do apply with regard to the style of government of the Emperor, whereas the Emperor himself refuses to use it to chastise the Senate. Briefly, the senatorial space to manoeuvre with regard to private wealth and luxury is less constrained than the Imperial space: the political responsibility of the Emperor – his *exemplum* – is more subject to judgment and public disapproval than that of the senators.

3. *Nero*: amicitia, opes, mensura, and moderatio

This last observation is particularly clear in several episodes during the years of Nero. The scene changes; discourse on the

²¹ Maiuro 2012, esp. 153ff.

value and uses of luxury and wealth does not take place in a public debate, but between the Emperor and individual senators (or in libellous pamphlets against the Imperial entourage). With even idle luxury tolerated, adherence to behaviours modelled on ancient examples (inspired by the precepts of stoic philosophy) becomes intolerable, as is clear, for example, in Tigellinus's suggestion to Nero that Rubellius Plautus be killed (Tac. *Ann.* 14.57.3). Tigellinus's discourse reiterates a concept already expressed by Asinius Gallus, namely that wealth is welcomed and accepted if enjoyed in private (the *cupido otii*), but it becomes intolerable if accompanied by a lifestyle inspired by the imitation of old-style Romans, showing «*adrogantia Stoicorum sectaque, quae turbidos et negotiorum adpetentes faciat*». The *otium* of the *magnae opes* is incompatible with the *negotia* of the stoics. This recalls another of Tacitus's celebrated passages, in which the allegations against Seneca are transcribed: «What wisdom», accuses Suillius Rufus, «what philosophers' precepts, have permitted Seneca to gain, in four years of Imperial friendship, possession over three hundred million *sestertii*? In Rome, he entrapped the heirless elders, while he bled Italy and the provinces with limitless usury» (Tac. *Ann.* 13.42.4).²² Here the charge is clearly that of having practiced a kind of unscrupulous and violent enrichment, contradicting the stoic philosopher's fame and stated beliefs.

Tigellinus against Rubellius Plautus and Suillius against Seneca bring to light a series of issues that evidently became central just forty years after the discussion in the Senate in 22. Just as wisdom does not tolerate luxury, luxury does not tolerate disciplinary rigidity, censorial attitudes, or public practices marked by ideological virtuousness. The ostentation of philosophical virtues, evidently a stance unpopular with many, was capable of inspiring ample hostile expression among the members of the Senate, who found in comfort and wealth an easily attacked Achilles' heel.

²² The most detailed analysis of the passage remains Seita 1982.

Seneca's case is particularly important, as it is used by Tacitus to demonstrate the kind of power dynamic that had come into play by this time.²³ The prosecution of Suillius Rufus introduces the real issue articulated by the discussion of wealth, luxury, and rank in the age of Nero, i.e., the *amicitia Caesaris*. Great wealth and Imperial persecution are a major theme of early Imperial history. Proximity to the Emperor implies generous gifts, almost limitless riches, and the ever-present danger of fall and disgrace.²⁴

Indeed, in the extant books of the *Annals*, Seneca's fictitious discourse to Nero concerning his withdrawal from public life in 62 and Nero's counterargument – indeed, the only Tacitean use of *dissoi logoi* in his extant work – provide us with the most articulate framework of what *amicitia Caesaris* means from our perspective;²⁵ it encapsulates the power dynamics within the innermost Imperial circle of a whole epoch. It is quite possible that Tacitus gave his Seneca the voice and words to express it, due to the fame and legacy of the philosopher in his age.²⁶ The speech entails Seneca's request to relinquish the entirety of his assets, to be administered by the Imperial procurators. Seneca adds that the gifts and honours bestowed on him are so immense that only discretion in their use (*moderatio*) is lacking to complete his happiness; the material goods he cites (*opes, innumera pecunia, tales horti, haec suburbana, tanta agrorum spatia, tam latum faenus*) bring the reader back to Asinius's

²³ Now fundamental on Tacitus and Seneca, Griffin 2013, 83ff. with discussion of previous literature and a list of possible Tacitean allusions to Seneca's works (esp. *uit. beat.*, *de otio* and *tranq. an.* 8.9, when Seneca claims he seeks to moderate his wealth).

²⁴ A theme largely dealt with by Seneca in *uit. beat.* and above all *de ben.* for which, see, Griffin 2003 and, with copious parallels to Senecan works and other literary testimonia of the Early Empire, Griffin 2013.

²⁵ For a philological comment on the passage (Tac. *Ann.* 14.53-54), lastly Woodman 2012, which discusses Syme's and Zimmermann's previous analysis.

²⁶ On Tacitus's Seneca, most recently Woodman 2012. Seneca still read by Fronto and Marcus, *de orat.* 1-4 (van den Hout 1988, 153-154).

speech and Tiberius's letter. There is an even more subtle allusion to both episodes in the Tiberian age and to Seneca's own writings: Seneca's speech is introduced by Tacitus's comment on his vulnerable position, exposed to allegations for having increased his wealth beyond private limits (Tac. *Ann.* 14.52: *tamquam ingentes et priuatum modum euectas opes adhuc augeret*); this is the only occurrence in Tacitus of *modus* with reference to wealth other than the passages commented on above for the Tiberian age. The only other occurrence of *priuatus modus* in all of Latin literature, again referring to wealth, is in Seneca's letter 16.8 (*ultra priuatum pecuniae modum fortuna te prouehat*: note also the use of verbs derived from *uehere* in both passages), in which he asks Lucilius to imagine Fortune as bringing him beyond the limits of private wealth. It might well be that the expression was coined or popularized by Seneca, or that Tacitus is echoing, allusively, an expression used by him. Indeed, Seneca had surpassed a limit, a boundary concerning the wealth of a private man, therefore dangerously approaching a level of wealth that is proper for and belongs to the Emperor only. And, as Wickert elegantly demonstrated in a classic work, *priuatus* is indeed an adjective that in early Imperial literature marks the boundary between a *princeps* vis-à-vis the rest of the population. He is the only non-*priuatus* in the whole Roman Empire. And *priuatus* is anyone who is not the *princeps*.²⁷ Crossing the *modus priuatus* can therefore only mean that one has gotten too close to the Imperial status concerning wealth.

The final point he makes is central and seems to refer directly to this last sentence: «we have both filled up the measure (*mensuram impleuimus*)» – Nero of what is right to give, Seneca of what is right to receive. Here lies, as it would seem from Tacitus's text, the true *modus habendi*: remaining at the proper distance or proximity to Imperial power, in what is appropriate for a senator to accept and a Caesar to give: so, not

²⁷ Wickert 1954, 2059-2060; also Béranger 1958.

just a *modus* – a limit set for all and forever – but a *mensura*, a quantity, which has to be negotiated with the Emperor and handled with care, circumspection, discretion, and political intelligence (*moderatio*). Luxury and the accumulation of wealth are largely accepted phenomena in the Julio-Claudian age, even ideologically defended; the proper distance from Imperial power is the true point at which the *moderatio* must be exercised.

A further example, which in some way helps clarify the terms of the tangled relationship underpinning the *amicitia Caesaris*, is found in Pliny's panegyric to Trajan. In the passage on normality restored regarding cessations of malpractices – that is, undue Imperial pressure to induce senators to name the Emperor as recipient in their wills – is a rhetorical question that makes manifest what must have been a real fear for the senatorial class: «Which among the *principes* has reputed that he possessed only the assets donated by him among our own? Perhaps the gifts of the Caesars, like those of the kings, did not resemble baited fishhooks, or deceptive snares, whereby, being swallowed or ensnared by private riches, they turned back to the *princeps* along with all they had touched?» (Plin. *Pan.* 43.5). The *amici Caesaris* were called to leave part of their financial holdings as inheritance to the Emperor (*scriberis ab amicis, ab ignotis prateriris*; cfr. Suet. *Aug.* 66.2),²⁸ and in particular to return as much as the Emperor had donated to them (the *hamus* or *laquaeum* of Pliny's metaphor). This proximity to Imperial power – and here Pliny certainly does not refer only to Domitian, as his discourse concerns the Caesars – was perceived as potentially ruinous for individual wealth and the continuity of senatorial families. This is a clear evolution from the situation of early Tiberian times, when in the sentencing of Silius and Piso the assets due to *liberalitas Augusti* had been

²⁸ On this, abundantly, Maiuro 2012, 32ff. with previous literature.

excepti from the calculation of the *bona publicata*.²⁹ Seneca left everything to Nero: the goods received from him as well as those gained by other means (Dio 62.25.3).

An only partially different discourse is that on the cases in which the wealth of several senators could be perceived as a danger and a threat to the Emperors. Here we will discuss a case in point: that of D. Iunius Torquatus Silanus, from whose death two traditions have come to us, reported by Tacitus (*Ann.* 15.35) and Cassius Dio (62.27.2) respectively, in partial disagreement over the use of his wealth. Tacitus tells us that Nero gave orders to the *accusatores* in 64 to contest Torquatus over a prodigality in bestowals so great that he could no longer do anything but hope for political upheaval. He complained that Torquatus's freedmen were called *ab epistulis et libellis et rationibus*, attributions reserved for Imperial power – proof of the intention to conspire against Nero. Thus, the most trusted among the freedmen were put in chains, and Torquatus, realizing he could no longer defend himself, took his own life.

The narrative of Dio, regrettably known only by the *Excerpta Valesiana* and therefore perhaps much diminished, seems to draw from a source (Cluvius Rufus?) probably even more hostile towards Nero than the testimony gathered by Tacitus (Fabius Rusticus?). Or perhaps Tacitus makes a deliberate selection from his source, emphasizing an issue therein that is dear to him, while Dio Cassius may well have cited the episode third-hand. In any case, Dio writes that «Junius Torquatus, a descendant of Augustus, was handed over for punishment on a remarkable charge. He had squandered his property rather prodigally, whether following his native bent or with the deliberate intention of not being very rich. Nero therefore declared that, as he lacked many things, he must be covetous of the goods of others, and consequently caused a fictitious charge to be brought against him of aspiring to the imperial power».

²⁹ Tac. *Ann.* 4.18-20; also Vell. 2.130; Dio 60.31; *Sc. de Cn. Pisone* p. ll. 84-86 with comm. by Eck-Caballós-Fernández 1996, 202-207.

With both historians we are reminded that Torquatus was a descendant of Augustus: this, in fact, was the real reason to eliminate him, as a potential competitor for the Empire. The two accounts are different however; Dio's description is certainly more imprecise with regard to the definition of Torquatus's behaviour, «squanderer of his wealth», whereas the explanation of Tacitus is more cogent – Torquatus is characterized as *prodigus largitionum*, a behaviour, from the Imperial perspective, surely more dangerous than that of the simple dissipation of wealth. Recall that, since the Augustan period, the Senate had been exempt from rendering largesse. Dio also omits another count of indictment – that of having given his *familia* an Imperial name and function –, a charge that would be repeated in the affair that, two years later, involved the grandson of Torquatus, Silanus (Tac. *Ann.* 16.7).

The account of Tacitus is therefore more technical, and probably more accurate with regard to the *accusatores*. However, the interpretation given by Dio's source, namely that Nero could have posited the desire for the possessions of others as a pretence of the prosecution, while actually the dissipation of Torquatus's wealth may have been carried out in order not to become too rich and therefore suspected of wanting to plot political upheavals, reveals the terms of complexity in which the relation between senatorial wealth and Imperial power may be framed in Nero's final years.

The major point of interest seems to be, in this case too, the observation of the possible margins of manoeuvre in the ways in which wealth was managed (though even in the *quantum*, possession was licit) by those members of the aristocracy who, by lineage or power, could undermine Imperial authority. The *largitiones* and the amplitude and function of the *domus* (in the sense of the attribution of the functions of the Imperial court to the *familia*, and, more broadly, to their clientele) are certainly the two areas in which Nero lays claim to some form of Imperial 'monopoly'. This is clearly in line with the remarks

above on the exclusion of the senatorial class, from the Augustan period, from the realms of intervention that had become an exclusive Imperial prerogative.

4. *Retrospect*

Upon the conclusion of these reflections it can be said that, from the Augustan and Tiberian ages, senatorial wealth becomes a powerful factor in the dialectic of the relations, powers, and responsibilities between Emperor and Senate; senatorial holdings certainly became greater on average, insomuch as, beyond the enjoyment of a period of Mediterranean peace, relative political stability, and widespread opportunity for investment in the provinces, they were *largitionibus exsoluti*. Senatorial wealth was no longer spent directly in the political arena, but was a sign of lineage, status, and, critically, of proximity to Imperial power. The difference in class and rank was marked with conspicuous behaviours, ideologically justified with lucid awareness; luxury and wealth were tolerated by Imperial authorities as long as they were enjoyed and utilized without encroaching on areas reserved for the sphere of Imperial intervention. In the late Republic, for the formation of large capital (property investment, involvement in wide Mediterranean commerce, the practice of usury or credit through intermediaries), a new and truly decisive form of accumulation became customary. It was the *amicitia Caesaris*, which, in its ambiguous and at times dangerous statute, played a key role in the rise and fall of individuals and *gentes*.

Moreover, Imperial intervention throughout the Julio-Claudian age had, in some sense, an equalizing effect, through the financial support offered to the *pauperes* senators and the requisition of the largest fortunes. The assets of a senator therefore became his personal 'province', over which he could exercise his scruples and political intelligence. The territory of

this individual *provincia* is marked by the concept of *mensura*, which was of reciprocal value both for the Emperor and for the senator. And the *mensura* does not find its terrain only or primarily in the forms in which wealth is flaunted; it lies in its proper use (*moderatio*) in relation to the *princeps*.

To return to our earlier considerations: if this is indeed the distinction, according to Bourdieu it is negotiated with the definition of the boundaries within which to act. We cannot fail to see that the entire Julio-Claudian age in Tacitus's narrative offers an extraordinary example of a progressive and inexorable process of redefinition: we are thus invited to reread the glorious story of the Fabricii, the Scipios, even of Augustus, and to discount the double standard of morality between private luxury and public moderation in the way of the stoics. The fifty years from Tiberius to Nero show that luxury and its discipline can no longer be defined horizontally, among equals – as in the Republican age – but indeed are to be framed in a vertical dynamic. Asinius Gallus marks the territory of social visibility of his class with equestrians, Nero compares Seneca's wealth with that of his freedmen, Seneca marvels at his possession of wealth greater than those senators of higher stock, and Petronius stages a scathing and irreverent human comedy that makes a mockery of the conspicuous behaviours of the class of freedmen inferior to him.

The very concept of boundary and measure is redefined: the *modus*, allusively used by Tacitus to express the limits of luxury in the Tiberian age and to portray Seneca's perilous trespassing of his status, and finally the *mensura*, which indicates the right *quantum* and the proper distance from Imperial power in that of Nero. This seems to be the historical parable that illustrates the reason for the end of sumptuary laws: not because senators lost political power to the Emperor, but because there was a progressive rearticulation of the conceptual map of social relations, where luxury finds its centrality not in the competitive dimension among peers, but in one-on-one dialogue with the

Emperor. This is how we can understand that tolerance and acceptance are found for luxury and pomp, while the relationship between wealth and philosophic teachings (Rubellius Plautus and Seneca) is distorted, and even the traditional relationship between one's assets and political ambitions is entirely altered (as in the case of Torquatus Silanus).

A final word on Tacitus the historian, who writes of a period relatively far from his own: in *Ann.* 3.55 he analyses the hundred years of luxury from Augustus to Galba; among the causes cited for the cessation of extreme ostentation are the entrance into the Senate of new *gentes* from Italy and the provinces, and, above all, the virtuous example of Vespasian. He fails to mention the event that seems essential to us modern historians: the civil wars of 68-69, which produced a realignment and a more stable equilibrium between Emperor and Senate, and a new spirit of cooperation. An episode among the many that could be cited regarding the times in which Tacitus wrote, and perhaps known to the historian for its anecdotal tone, is that of a notorious account, as reported by Philostratus, the *scholia* to Aristides, and also the Suda, concerning the answer that Nerva gave to Atticus, father of Herod Atticus, when he asked what to do with a great treasure found in his villa: «Make use of it», Nerva replied. On the insistence of Atticus, who pointed out the immense quantity of gold, Nerva replied: «Then make abuse of it» (Philostr. *VS* 2.2).

In this small cameo of dubious historical authenticity, one can note, on the one hand, the supreme indifference of the Emperors towards the uses of another's wealth – a tradition started with Tiberius – and on the other, the reconciliation between Emperor and senators on financial matters (here Nerva is portrayed as behaving like the opposite of Domitian). If the account has been invented, it is more significant still, as it would have had to sound authentic: it portrays the way in which every senator wished an Emperor behaved in case of windfall,

or casual enrichment. Every senator in the age of Nerva, Trajan, and Hadrian must have acknowledged the centrality of the theme of senatorial wealth in previous times; it was certainly familiar to them, and quite possibly gave rise to a veritable tradition of stories, anecdotes, and family memories, prompting a high level of class awareness about this topic. Not by chance, Tacitus reserves one of his very few optimistic notations on the present and future for the closing of the chapter on luxury: «We must not believe that our fathers were all in all better than us». So, «Let us hope that this honourable competition between our present and our past might endure a long time»: *«haec nobis in maiores certamina ex honesto maneant»*. Here, perhaps, lies the full meaning that Tacitus assigns to the competition among equals.

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