

GIREA
XL Convegno Internazionale
Napoli, 18-20 dicembre 2017

ATTI

Le realtà della schiavitù: identità e biografie
da Eumeo a Frederick Douglass
Les réalités de l'esclavage: identités et biographies
d'Eumée à Frederick Douglass

a cura di

Francesca Reduzzi Merola, Maria Vittoria Bramante, Adelaide Caravaglios

Satura  Editrice

Volume pubblicato con il contributo
della Fondazione Banco di Napoli
e con i fondi di ricerca dipartimentale F. Reduzzi

DIRITTI DI AUTORE RISERVATI
Copyright 2020 Satura Editrice s.r.l.
via G. Gigante, 204 - 80128 Napoli
tel. 081 5788625 - fax 081 5783097
sito web: www.saturaeditrice.it
e-mail: saturaeditrice@tin.it
ISBN 978-88-7607-202-4

INDICE SOMMARIO

Prologo

FRANCESCA REDUZZI MEROLA		
Schiavi: tra memoria e oblio	p.	XI
LUIGI LABRUNA		
Solo un saluto	»	XV

Uno sguardo verso il terzo millennio

LUIGI FERRAJOLI		
La schiavitù nel mondo contemporaneo	»	3

PARTE PRIMA

ORIENTE E GRECIA

DOMINGO PLÁCIDO		
Esclavos entre la autonomía y la dependencia. El caso de Midas: Hiperides, <i>Contra Atenógenes</i>	»	19
SUSANA REBOREDA MORILLO		
Los afectos en los esclavos y esclavas domésticos en la <i>Odisea</i>	»	33
ANNA SOFIA		
Prima di Eumeo. La figura dello schiavo nella letteratura egiziana del Medio Regno	»	49
JAMES ROY		
The life-story of Epikles the Oaxian	»	65
ENNIO BIONDI		
Gli schiavi ciechi degli Sciti (Hdt. 4.1-4). Alcune riflessioni sulla schiavitù nel nomadismo eurasiatico antico nelle <i>Storie</i> di Erodoto	»	73

FRANCESCO TOSCANO		
Comunità di schiavi deportati nell'impero persiano. A proposito di alcune notizie erodotee.....	p.	93
MIRIAM VALDÉS GUÍA		
Sócrates, pobre como un <i>thes</i>	»	107
MARIANO J. REQUENA, DIEGO PAIARO		
Los <i>demósioi</i> de la democracia. La función policial y la identidad de los esclavos públicos en Atenas	»	129
ADAM PAŁUCHOWSKI		
L'esclavage sans visage dans l'île de Crète?	»	151
MARIA DOLORS MOLAS FONT		
L'identità di Neera: corpo schiavo, età, genere e potere	»	173
GIUSEPPE SQUILLACE		
Un caso di schiavitù 'molto particolare': il medico Menecrate e i suoi pazienti <i>douloi</i>	»	185
ANNALISA PARADISO		
Stratigrafie biografiche: le tre vite di Drimaco	»	193
RAFFAELLA PIEROBON BENOIT		
Da schiava a regina, da liberto a evergete: le storie di <i>Musa</i> e di <i>Zoilos</i>	»	203

PARTE SECONDA

IL MONDO ROMANO

RICARDO MARTÍNEZ LACY		
Euno, Salvio e altri capi delle rivolte servili come personaggi carismatici	»	229
ISAÍAS ARRAYÁS MORALES, CARLOS HEREDIA CHIMENO		
¿Transgresión o Conservadurismo? Reflexiones sobre la figura del esclavo en el bienio 88-87 a.C.	»	233
MARÍA JOSEPHA HIDALGO DE LA VEGA		
Biografías y construcción de identidades en el <i>Satiricón</i> de Petronio: realidad y ficción desde las relaciones directas de poder	»	249

RICHARD GAMAUF		
Ideal Freedmen-Lives? On the Construction of Biographies in the <i>Cena Trimalchionis</i>	p.	273
ANTONIO GONZALES		
Publius Syrus le Mime. De l'esclavage à la morale populaire ...	»	295
ANTONIO RODRÍGUEZ FERNÁNDEZ		
Las « <i>gestae contra astures</i> » en el contexto de resistencia al tri- buto del gobierno de Nerón	»	319
CARLOS GARCÍA MAC GAW		
Esclavos sin nombre. La identidad perdida a través de las cartas de Plinio el Joven	»	341
FELICE MERCOGLIANO		
Mercanti di schiavi ed afflusso di immigrati in Roma imperiale	»	353
MARIANNE BÉRAUD		
Trophimus, Aprilis et la fabrique des <i>Domitii</i> à Portus Licini. Le dossier des <i>uicarii</i> du briquetier Agathobulus (San Liberato della Corte, 93-123 ap. J.-C.)	»	363
ORIOL OLESTI VILA, JOAN OLLER GUZMÁN		
Las vidas cruzadas de <i>Lucius Licinius Secundus</i> y la producción vitivinícola del NE de la Península Ibérica	»	379
ROSA MARÍA CID LÓPEZ		
Acte, la concubina de Nerón. Una liberta en la <i>domus Augusta</i>	»	393
CARLA RUBIERA CANCELAS		
Una genealogía de la esclavitud femenina en la Historia de Roma. De los orígenes al Principado de Augusto	»	413
FRANCESCO FIORUCCI		
Gli schiavi fuggitivi di Sebone il cretese: un caso giuridico da Libanio, <i>Ep.</i> 306	»	433
FRANCESCA DEL SORBO		
Alle radici del colonato nell'Egitto greco-romano. Il βασιλικὸς γεωργός: un antecedente storico dell'ἐναπόγραφος?	»	447
MANUEL RODRÍGUEZ GERVÁS		
Cambiantes identidades. Ficción y realidad de la dependencia en la Tardía Antigüedad	»	471

PIERRE JAILLETTE		
La figure de l'esclave dans le <i>De Gubernatione Dei</i> de Salvien	p.	485
ADELAIDE CARAVAGLIOS		
Lo schiavo romano tra riconoscibilità e identità apparente	»	499

PARTE TERZA

SCHIAVI SENZA FINE

AGLAIA MCCLINTOCK		
The concept of <i>servus poenae</i> in Roman law and its reception in the early modern period	»	519
ANTONIO DUPLÁ ANSUATEGUI		
Entre el anonimato y la identidad: líderes serviles de la Anti- güedad en la pintura y la escultura modernas	»	533
ALESSANDRO TUCCILLO		
Il dovere di provare le virtù e i talenti dei neri: <i>De la littérature des Nègres</i> (1808) di Henri Grégoire	»	549
ALBERTO PRIETO		
Los esclavos del franquismo	»	573
MARIO MAZZA		
Sul 'declino' della schiavitù antica	»	583
LUCIANO CANFORA		
Marx, Mommsen e la schiavitù	»	591
MONIQUE CLAVEL-LÉVÊQUE		
Les caractères originaux du GIREA: réflexions pour une prospective	»	595
AUTORI	»	599

RICHARD GAMAUF

Ideal Freedmen-Lives? On the Construction of Biographies
in the *Cena Trimalchionis*¹

Riassunto

Nella *cena Trimalchionis* Petronio presenta le biografie di cinque liberti. Tre di esse, quelle di C. Pompeo Diogene, di Crisanto e di Trimalchione stesso, costituiscono l'esempio di una carriera in ascesa, "da lavapiatti a milionari". Trimalchione, che notoriamente doveva le sue ricchezze ad un'eredità e non certo alle proprie capacità, ne rivendicava tuttavia il possesso, poiché nella cerchia dei suoi *colliberti* solo un patrimonio accumulato da sé, col proprio impegno, era tenuto in considerazione. Difficile stabilire quanto qui Petronio si sia ispirato alla reale mentalità dei liberti. Nella *cena* i liberti descrivono la loro ascesa economica in modi che trovano un parallelo piuttosto puntuale nella definizione del *peculium* in D. 15.1.40 pr. (Marcian. 5 reg.); diversamente le iscrizioni funerarie restituiscono, proprio in merito a questo aspetto, un quadro completamente diverso. Il dato potrebbe indicare la natura del tutto fittizia sia delle biografie di questi liberti di successo sia del linguaggio da essi usato per descriverlo. D'altro canto, se se ne distingue un'eco presso i giuristi, ciò può significare che forse Petronio abbia voluto portare alla mensa di Trimalchione solo un aspetto del mondo dei liberti, che i liberti stessi, tuttavia, consapevolmente sulle loro lapidi, rappresentavano in modo diverso.

1. Taking centre stage in the surviving parts of Petronius' first-century picaresque novel *Satyrica* is an extravagant and tasteless dinner party, hosted by the superbly rich freedman upstart Trimalchio: the (in-)famous *cena Trimalchionis*². The participants at this remarkable evening party are mainly

¹ I owe a debt of gratitude to Dr. Ben Spagnolo (University of Cambridge) for his willingness to correct the language of this paper.

² The literature on the *Satyrica* is vast; to mention just a few helpful starting points: E. Courtney, *A Companion to Petronius* (Oxford 2001); *Studien zu Petron und seiner Rezeption/Studi su Petronio e sulla sua fortuna*, Hrsg. L. Castagna, E. Lefèvre (Berlin 2007); *Petronius. A Handbook*, ed. by J.R.W. Prag, I.D. Repath (Malden etc. 2009); G. Schmeling, *A Commentary on the Satyrica of Petronius* (Oxford 2011); H. Hofmann, *Petronius, Satyrica*, in *A Companion to the Ancient Novel*, ed. by E.P. Cueva, N. Byrne (Malden etc. 2014), pp. 96 ss. On the *cena Trimalchionis* in particular, see: M.S. Smith, *Petronii Arbitri Cena Trimalchionis* (Oxford 1975); J. Bodel, *The Cena Trimalchionis*, in *Latin fiction: The Latin Novel in Context*, ed. by H. Hofmann (London etc. 1999), pp. 38 ss. Additional references are available online in

freedmen friends of Trimalchio's, his so-called *colliberti*³, who are observed by the main characters of the novel, also guests at the dinner and among whom we count the narrator. In order to leave an impression on those from outside their clique, some, like Trimalchio, brag about own exploits; others extol friends for their achievements. Careers of freedmen therefore recur as topics of conversation at different stages during the meal. From these presentations in the *cena Trimalchionis* emerge portraits of five different freedmen, delivered in six short descriptions of important steps in their lives. Trimalchio, the flamboyant host and undisputed centre figure of the circle – *princeps libertinorum* – recounts his life story twice.

Three biographies, told in the third person by a narrator or, in Trimalchio's case, by his future grave inscription, follow an identical rags-to-riches model. Their common leitmotif is well-deserved praise for the rise of a well-off, or even wealthy, freedman, out of humble beginnings⁴. In the social ambience of the *cena Trimalchionis*, such careers seem, on one hand, common and, on the other, the indispensable key to social acceptance. As the comparison between the two versions Trimalchio presents of his "*curriculum vitae*"⁵ will demonstrate, the ability to claim self-made economic advancement is

the *Petronian Society Newsletter* (<http://www.ancientnarrative.com/old/PSN/index.htm> until no. 42/2014 and <https://rjh.ub.rug.nl/AN/article/viewFile/25635/23083> for no. 43/2016; last visited 05/06/2018). The authorship of the suffect consul of 62 CE Petronius (possible *praenomina* are Titus, Gaius and Publius), whose suicide is recorded by Tacitus (*Ann.* 16.17-19), and the creation of the work during the reign of Nero are widely accepted; see G. Schmeling, *Commentary* cit., pp. XIII ss.; E. Courtney, *Companion* cit., pp. 5 ss.; J.R.W. Prag, I.D. Repath, *Introduction*, in *Petronius. A Handbook*, ed. by J.R.W. Prag, I.D. Repath (Malden etc. 2009), pp. 5 ss.; Th. Völker, D. Rohmann, *Praenomina Petronii: The Date and Author of the Satyricon reconsidered*, in *CQ* 61 (2011), pp. 660 ss. Recently, P. Flobert, *Considérations intempêtes sur l'auteur et la date du Satyricon sous Hadrien*, in *Petroniana. Gedenkschrift für Hubert Petersmann*, Hrsg. J. Herman, H. Rosén (Heidelberg 2003), pp. 109 ss., argues for a date under Hadrian and a freedman Petronius with the *cognomen* Arbitrator as the writer; U. Roth, *Liberating the Cena*, in *CQ* 66 (2017), pp. 614 ss., develops further arguments for a dating after Trajan.

³ On the meaning of the term in the *cena*, see G. Schmeling, *Commentary* cit., pp. 143 S.; on the social coherence of *colliberti*, see P. López Barja de Quiroga, *Freedmen Social Mobility in Roman Italy*, in *Historia* 44 (1995), p. 345; see also *infra* after note 13.

⁴ This paper is related to a study of the parallels between Petronius' freedmen-biographies and jurists' definitions of *peculium* where a detailed analysis of the biographies was not possible; see R. Gamauf, *De nihilo crevit - Freigelassenenmentalität und Pekuliarrecht*, in *Der Bürge einst und jetzt. Festschrift für Alfons Bürge*, Hrsg. U. Babusiaux et al. (Zürich 2017), pp. 225 (on the biographies, see pp. 233 ss.).

⁵ *Infra* after notes 19 and 24. The classic study of this fictional life is P. Veyne, *Vie de Trimalcion*, in *Annales. E.S.C.* 16 (1961), pp. 213 ss. (= *La società romana* [Roma-Bari 1990], pp. 3 ss. = *La société romaine* [Paris 1991], pp. 13 ss. = *Die römische Gesellschaft* [München 1995], pp. 9 ss.); for more literature on his biography, see M.J. Hidalgo de la Vega, *El liberto Trimalción en el Satiricón de Petronio. Entre la libertad y la dependencia*, in A. Gonzales (éd.), *La fin du statut servile? (Affranchissement, libération, abolition ...)* (Besançon 2008), pp. 229 ss.

essential for an “ideal freedman-biography” in the *cena*⁶. The members of Trimalchio’s entourage respect the prosperity of their friends but admire even more their demonstrated ability to acquire wealth by their own efforts⁷.

2. Chapter 38 presents the biography of a certain C. Pompeius Diogenes. After concluding his extended enumeration of Trimalchio’s more extravagant possessions (chs. 37.8-38.5), the speaker, Hermeros, turns to other freedmen at the table and draws his listeners’ attention to the fact that some of them, too, are quite “juicy” (i.e., rich). To emphasise the widespread prosperity⁸ among the *colliberti*, he selects Pompeius as his first example. This guest is seated in the least prestigious place at the very end of the table (*imo imus*), which visually demonstrates his comparatively low position in the freedmen ranks. Thus, the listeners are led to assume that others at the table are even wealthier:

Petron. *Sat.* 38.6: *Reliquos autem collibertos eius cave contemnas. (7) valde sucossi sunt. vides illum qui in imo imus recumbit: hodie sua octingenta possidet. de nihilo crevit. (8) modo solebat collo suo ligna portare. sed quomodo dicunt ego nihil scio, sed audivi – quom Incuboni pilleum rapuisset, et thesaurum invenit. ego nemini invideo, si quid deus dedit. (9) est tamen sub alapa et non vult sibi male. ... sestertium suum vidit decies, sed male vacillavit. non puto illum capillos liberos habere. nec mehercules sua culpa; ipso enim homo melior non est; sed liberti scelerati, qui omnia ad se fecerunt*⁹.

This Pompeius “grew from nothing” – *de nihilo crevit* – to a fortune of which he now has only 800,000 sesterces left. The speaker unhesitatingly

⁶ Reality was different, see H. Mouritsen, *The Freedman in the Roman World* (Cambridge 2011), pp. 226 ss.

⁷ F. Grosdemouge, *L’accession à la richesse chez Pétrone*, in *La fin du statut servile?* cit., pp. 246 s.

⁸ On the risk and fear of poverty among the *cena*’s freedmen, see A. Gonzales, *Quid faciant leges, ubi sola pecunia regnat. Affranchis contre pauvres dans le Satiricon de Pétrone?*, in *La fin du statut servile?* cit., pp. 273 ss.

⁹ “But don’t put down them other freedmen. They’re loaded. The one in the lowest place on the lowest couch – eight hundred thousand at the moment. Grew from nothing. Not long ago used to carry wood on his back. They say – I don’t know a thing about it, I’ve just heard – he stole a gnome’s hat and found a treasure. But he’s kind of a blowhard, wants to show how good he’s doing ... He saw a million sesterces in his day, but then it all started to sway. I bet he’s mortgaged his own hair. Not his fault, of course. There’s no better man than him, but some asshole freedmen took over everything” (Translation by S. Ruden, *Petronius Satyricon. Translated, with Notes and Topical Commentary* [Indianapolis-Cambridge 2000], pp. 26 ss.). On the passage, see: M.S. Smith, *Petronii Arbitri* cit., pp. 85 ss.; G. Puglisi, *Il microcosmo di C. Pompeius Trimalchio Maecenatianus. Schiavi e liberti nella casa di un mercante romano (Petr. 27-78)*, in *Index* 15 (1987), p. 212; G. Schmeling, *Commentary* cit., pp. 144 ss.

reveals also the more unflattering details of Pompeius' meek beginnings and his ways of making money. He knows first-hand that, not so long ago, Pompeius had been carrying wood on his back¹⁰. However, the actual source of his wealth remains unknown to Hermeros. He can only refer to rumours that Pompeius must have somehow "hit the jackpot"¹¹. By *est tamen sub alapa* he probably indicates Pompeius' recent manumission¹², because, metaphorically speaking, one could still see the traces of the so-called *alapa*, the ritual slap that accompanied a *manumissio vindicta*¹³. Consequently, he cannot be literally a *collibertus* of Trimalchio, who was manumitted *testamento*, but was simply a member of his circle. Though a recent *libertus*, he had been able to show his prowess by earning the magical first million¹⁴ but later lost it to untrustworthy freedmen. This may have cost him a better place at the meal, but not the speaker's respect: *ipso enim homo melior non est*.

3. A short time later, a similar story is told by Phileros¹⁵ about the recently deceased Chrysantus:

Petron. Sat. 43.1: ... *Ille habet, quod sibi debebatur: honeste vixit, honeste obiit. quid habet quod queratur? ab asse crevit et paratus fuit quadrantem de stercore*

¹⁰ Similar was the fate of the low key "attorney" Phileros in Petron. Sat. 46.8; cf. R. Gamauf, *Aliquid de iure gustare: portrayal and criticism of lawyers in Petronius*, in *Ius Romanum schola sapientiae. Pocta Petrovi Blahovi k 70. narodeninám (Festschrift für Peter Blaho)*, ed. by P. Mach et al. (Trnava 2009), p. 161.

¹¹ Nonetheless, G. Puglisi, *Il microcosmo* cit., p. 212, trusts the story of the discovered treasure; in Petron. Sat. 12-15, however, the *thesaurus* stands for stolen money; see R. Gamauf, *Aliquid* cit., pp. 153 ss.; F. Grosdemouge, *L'accession* cit., pp. 249 s.

¹² This is also the view of A. Aragosti, in *Satyricon. Petronio. Prefazione di Luca Canali. Traduzione e note di Andrea Aragosti* (Milano 2009), p. 83 and possibly J.P. Sullivan, *Petronius: The Satyricon and Seneca: The Apocolocyntosis* (London 1986), p. 58. On other interpretations, see M.S. Smith, *Petronii Arbitri* cit., p. 86; G. Schmeling, *Commentary* cit., pp. 146 s., and P. Cueva, *Petronius Satyrice 38.6-11: Alapa revisited*, in *CP 96* (2001), pp. 68 ss. N. Holzberg, *Petronius Arbitri: Satyrische Geschichten - Satyrice. Lateinisch - deutsch* (Berlin 2013), p. 69, interprets this as the consequences of a trauma caused in the incident with the gnome following P. Cueva, *Petronius* cit., pp. 68 ss.

¹³ On which, see S. Tondo, *Aspetti simbolici e magici nella struttura giuridica della manumissio vindicta* (Milano 1967), pp. 143 ss.; H. Bellen, *Vom halben zum ganzen Menschen. Der Übergang aus der Sklaverei in die Freiheit im Spiegel des antiken und frühchristlichen Freilassungsbrauchtums*, in *Fünfzig Jahre Forschungen zur antiken Sklaverei an der Mainzer Akademie 1950-2000. Miscellanea zum Jubiläum*, Hrsg. H. Bellen, H. Heinen (Stuttgart 2001), pp. 24 s.; F. Zogg, *Alapa*, in *Handwörterbuch der antiken Sklaverei (HAS) I*, Hrsg. H. Heinen (Stuttgart 2017) cols. 77 s.; R. Selinger, *Freilassungsbrauchtum*, in *Handwörterbuch der antiken Sklaverei (HAS) I*, Hrsg. H. Heinen (Stuttgart 2017) cols. 1115 ss.

¹⁴ See F. Grosdemouge, *L'accession* cit., p. 245 on the importance of that sum.

¹⁵ Who could come from a comparable background as well; see R. Gamauf, *Aliquid* cit., p. 161 n. 55.

*mordicus tollere. itaque crevit, quicquid crevit, tamquam favus. (2) puto mehercules illum reliquisse solida centum, et omnia in nummis habuit. ... (4) vendidit enim vinum quantum ipse voluit. et quod illius mentum sustulit, hereditatem accepit, ex qua plus involavit quam illi relictum est*¹⁶.

He, too, had started with no money worth mentioning and “grew from one penny” – *ab asse crevit*. At any rate, his 100,000 sesterces were nothing compared to Trimalchio’s wealth¹⁷. Chrysantus’ success was owed to his unflinching determination never to miss an opportunity to make money. For that purpose, he had by no means been choosy. He would even have been willing, as the speaker crudely puts it, to pick up a penny from the dirt by his teeth. Through this resolution, Chrysantus grew his fortune, and he died a successful wine merchant in control of the market. Further proof of his not very particular ways of making money lies in the hint that he had been defrauding an inheritance. This, the speaker is not shy to tell; it also does not reduce his by and large favourable view of Chrysantus as a thoroughly “honourable” man: *honeste vixit, honeste obiit*¹⁸.

4. The identical model of a freedman-biography appears for the third time when Trimalchio discusses the design of his funeral monument with the stonemason Habinnas, and talks to him about the kind of epitaph he has in mind¹⁹:

¹⁶ “He got what was owing to him. Decent life, decent death. What has he got to complain about? He had it made, started from nothing, and he would have taken a penny out of a manure pile with his teeth. Everything he touched grew like a honeycomb. (2) By Hercules, I think he left a good hundred thousand, all in cash. ... (4) He could sell as much wine as he had. And what really gave him a lift was that he got an inheritance that gave him a chance to swipe more than he got left.” (Translation by S. Ruden, *Petronius* cit., p. 30.). On the text, see M.S. Smith, *Petronii Arbitri* cit., pp. 102 ss.; G. Puglisi, *Il microcosmo* cit., p. 212; G. Schmeling, *Commentary* cit., pp. 167 ss.

¹⁷ On the meaning of this sum, see *infra* at note 32.

¹⁸ On the formula, see also in note 81; for another probable allusion to the *praecepta iuris* (D. 1.1.10.1 [Ulp. 1 reg.] in the *Satyrica*, see R. Gamauf, *Aliquid* cit., spec. p. 156.

¹⁹ On archaeological evidence for comparable monuments, see, among others, L.H. Petersen, *The Freedman in Roman Art and Art History* (Cambridge 2006), pp. 68 s., 84 ss.; J.R. Clarke, *Art in the Lives of Ordinary Romans. Visual Representation and Non-elite Viewers in Italy, 100 B.C. - A.D. 315* (Berkeley etc. 2003), pp. 184 ss. On the principal’s influence on the decoration of a grave, cf. P. Stewart, *The Social History of Roman Art* (Cambridge 2008), pp. 34 s. On the inscription, see, e.g., Th. Mommsen, *Trimalchios Heimath und Grabinschrift*, in *Gesammelte Schriften 7: Philologische Schriften* (Berlin 1907), pp. 200 ss.; M.S. Smith, *Petronii Arbitri* cit., pp. 198 s.; J.H. D’Arms, *Commerce and Social Standing in Ancient Rome* (Cambridge Mass. 1981), pp. 108 ss.; M. Beard, *Vita Inscripta*, in W.W. Ehlers, St. M. Maul (éds.) *La Biographie Antique: Huit Exposés suivis de Discussions (Entretiens sur l’Antiquité classique 44)* (Genève 1998), pp. 95 ss.; E. Courtney, *Companion* cit., pp. 113 ss.; J. Whitehead,

Petron. *Sat.* 71.12: *Inscriptio quoque vide diligenter si haec satis idonea tibi videtur: C. Pompeius Trimalchio Maecenatianus hic requiescit. huic seviratus absenti decretus est. cum posset in omnibus decuriis Romae esse tamen noluit. pius fortis fidelis ex parvo crevit sestertium trecenties. nec unquam philosophum audivit. vale: et tu!*²⁰.

The inscription will convey to posterity Trimalchio's "personal myth"²¹ that he, too, had started with little – *ex parvo crevit* – not unlike his so-called *colliberti* C. Pompeius Diogenes and Chrysantus. However, his estate of 30 million²² sesterces dwarfs all others' accomplishments. Accordingly, it eternalises Trimalchio's position as the first among the "self-made-millionaires". The epitaph turns his life into the very pinnacle of an "ideal freedman's career".

However, in Trimalchio's case (who in this regard is reminiscent of Donald Trump²³), the arrogated status of a self-made-millionaire was merely pretence, based on the "alternative fact" of *ex parvo* beginnings, which were nothing but a blatant lie. Nonetheless, Trimalchio seems unconcerned (as Trump would be) that his audience might unmask the truth, when, at a later stage of the party, he tells a second and very different version of his business life, with no obvious resemblance to the earlier established *ex parvo*-myth: actually, he had been freed in his master's testament, and been made co-heir to a senatorial estate of at least 60 million sesterces.

This second version of Trimalchio's business career and its apparent paradoxes have been studied from various perspectives. However, for

The "Cena Trimalchionis" and Biographical Narration in Roman Middle-Class Art, in *Narrative and Event in Ancient Art*, ed. by P.J. Holliday (Cambridge 1993), pp. 315 ss.; G. Schmeling, *Commentary* cit., pp. 300 ss.; U. Roth, *An(other) Epitaph for Trimalchio: Sat. 30.2*, in *CQ* 64 (2014), pp. 422 ss.; further references in T. Bell, 'Reading' the Freed Slave in the *Cena Trimalchionis*, in *Free at last! The Impact of Freed Slaves on the Roman Empire*, ed. by S. Bell, T. Ramsby (London-New York 2012), pp. 66 ss. The imagined monument as a whole, of course, only served Trimalchio's self-aggrandisement; see *infra* at note 98.

²⁰ "And see what you think of this inscription: 'Here lies Gaius Pompeius Trimalchio, Freedman of Maecenas. He was elected sevir, though he was not even here to campaign. He could have been in all of the guilds at Rome, but he said no. He had old-fashioned values, he was brave, faithful, and he started small and made it big. He left a fortune of thirty million sesterces. He never in his life paid any attention to a philosopher. Farewell to him. And to you, stranger.'" (Translation by S. Ruden, *Petronius* cit., p. 55.)

²¹ L. Gloyn, *She's only a Bird in a Gilded Cage: Freedwomen at Trimalchio's Dinner Party*, in *CQ* 62 (2012), p. 274.

²² R. Wolters, *C. Stertinus Xenophon von Kos und die Grabinschrift des Trimalchio*, in *Hermes* 127 (1999), pp. 57 ss., sees the number of 30 million, repeatedly referred to in the *cena*, as an allusion to the estate of a contemporary ultra-rich freedman doctor.

²³ For Trump's repeated but nevertheless unfounded pretensions to the status of a self-made-millionaire, see, e.g., <http://www.spiegel.de/wirtschaft/unternehmen/donald-trump-die-wahrheit-hinter-trumps-milliarden-a-1077765.html> (visited 06/06/18). Trump has been compared to Trimalchio as early as the late 1980s (see J.T. Gilmore, *Satire* [Abbingdon-New York 2017], p. 88). This and more recent examples are easy to find on the internet.

Trimalchio's self-stylisation as an economic climber, it is not his ultimate success but his initial failures that is the most important part in the narrative²⁴:

Petron. *Sat.* 76.2: *Quid multa? coheredem me Caesari fecit, et accepi patrimonium laticlavium. (3) nemini tamen nihil satis est. concupivi negotiari. ne multis vos morer, quinque naves aedificavi, oneravi vinum – et tunc erat contra aurum – misi Romam. (4) putares me hoc iussisse: omnes naves naufragarunt. factum, non fabula. uno die Neptunus trecenties sestertium devoravit. (5) putatis me defecisse? non mehercules mi haec iactura gusti fuit, tamquam nihil facti. alteras feci maiores et meliores et feliciores, ut nemo non me virum fortem diceret. (6) sc<it>is, magna navis magnam fortitudinem habet. oneravi rursus vinum, lardum, fabam, sepladium, mancipia. (7) hoc loco Fortunata rem piam fecit: omne enim aurum suum, omnia vestimenta vendidit et mi centum aureos in manu posuit. (8) hoc fuit peculii mei fermentum. cito fit quod di volunt. uno cursu centies sestertium corrotundavi. statim redemi fundos omnes, qui patroni mei fuerant. aedifico domum, venalicia coemo, iumenta; quicquid tangebam, crescebat tamquam favus. (9) postquam coepi plus habere quam tota patria mea habet, manum de tabula: sustuli me de negotiatione et coepi <per> libertos fenerare²⁵.*

Trimalchio's first overseas venture turned into a veritable disaster and lost him 30 million sesterces. The blow, however, left him unperturbed. Far

²⁴ On the economic rise of Trimalchio, cf., for many, Veyne, *Vie cit.*, pp. 472 ss.; J.H. D'Arms, *Commerce cit.*, pp. 97 ss.; E. Lo Cascio, *La vita economica e sociale delle città romane nella testimonianza del Satyricon*, in *Studien zu Petron und seiner Rezeption/Studi su Petronio e sulla sua fortuna*, Hrsg. L. Castagna, E. Lefèvre (Berlin 2007), pp. 8 s.; K. Jaschke, *Die Wirtschafts- und Sozialgeschichte des antiken Puteoli* (Rahden/Westf. 2010), pp. 247 ss.; M.J. Hidalgo de la Vega, *El liberto cit.*, pp. 229 ss.; see also K. Verboven, *The Freedman Economy of Roman Italy*, in *Free at last! The Impact of Freed Slaves on the Roman Empire*, ed. by S. Bell, T. Ramsby (London-New York 2012), pp. 88 ss.

²⁵ "To make a long story short, he made me his heir (along with the emperor, of course), and I got a senator's fortune. (3) But nobody's ever got enough of nothing. I had this itch to go into business. I don't want to bore you with the story, but I built five ships and got a cargo of wine – like solid gold at the time – and sent them off to Rome. (4) You would of thought I gave orders for the ships to get wrecked, cause every one got wrecked. It's truth I'm telling you; I didn't make this up. Neptune ate up thirty million sesterces in one day. (5) You think I gave up? I'll be damned if I did: I didn't give a shit, it was like I didn't lose a thing. (6) I built more ships, that was bigger and better and luckier. You know, a big ship's not afraid of nothin'. I loaded up more wine, plus lard, and beans, and ointment, and slaves. Nobody was gonna say that I didn't have any balls. (7) And Fortunata did a real loyal thing: she sold all her jewelry and all her clothes and put a hundred gold coins in my hand. (8) That was the yeast that started my fortune rising. Well, what the gods want to happen happens fast. On that one trip I piled up ten million sesterces. Then I got out of hock all the property that'd belonged to my master. I built a house, bought myself some slaves, some stock. Everything I touched grew like a honeycomb. (9) As soon I owned more than the whole town put together, I got out stopped trading, and started loaning money with freedmen as agents" (Translation by S. Ruden, *Petronius cit.*, p. 59).

from reconsidering his business plans, he went on and increased the scale of his second venture, to make up for the deficit. Despite his initial losses, he still commanded the means to buy more and bigger ships and cargo. According to his own words, the new fleet's value must have exceeded the 30 million of his first.

All the same, the economic incoherence²⁶ of this report should not distract from Trimalchio's primary intention. By this narrative, he sought to reinvent himself as the ultimate self-made millionaire, who was worthy of the funeral inscription he planned. The speech is not primarily a balance sheet of his business enterprises but is framed by the author to unveil Trimalchio's attitudes. It is not the numbers that are important but, rather, the choice of language and what the changes therein can reveal about the speaker's mentality. After his first losses, though still a multi-millionaire, Trimalchio no longer speaks of his belongings in terms of *patrimonium laticlavium* (§ 2)²⁷. This, according to his view, no longer existed, following the shipwreck²⁸.

Irrespective of the new fleet's even greater worth, he now refers to his belongings in terms of *peculium* (§ 8), as if nothing more remained of the original millions than the normally modest fund (*pusilla pecunia*) at the disposal of a slave²⁹.

Fortunata's intervention only reinforces this perceived change. By selling her jewellery and clothes, she sacrifices all her savings in support of her husband. The couple, who are not on the best of terms at some stages of the *cena*³⁰, in this episode displayed the solidarity that slave or freedmen couples needed for success³¹. In economic terms, her 100 *aurei*/10,000 sesterces³² (though a respectable sum for most Romans at the time³³) were insignificant,

²⁶ In summary, the evidence regarding Trimalchio's economic position in various parts of the *cena* is even more puzzling and more inconsistencies appear (on the numbers, see R. Wolters, *C. Stertinus Xenophon* cit., pp. 47 ss.). Obviously, coherence of the account as a whole extending beyond the context of an individual scene was of no concern to the author.

²⁷ "Broad-rimmed" in reference to the purple rim of a senator's *toga*.

²⁸ In this sense, see also F. Grosdemouge, *L'accession* cit., p. 247.

²⁹ See *infra* at note 90.

³⁰ See, e.g., *infra* after note 57.

³¹ Cf. M.B. Skinner, *Fortunata and the Virtues of Freedwomen*, in *Narrating Desire: Eros, Sex, and Gender in the Ancient Novel*, ed. by M.P. Futre Pinheiro et al. (Berlin 2012), pp. 200 s.; see also A. Richlin, *Sex in the Satyrical Outlaws in Literatureland*, in *Petronius. A Handbook*, ed. by J.R.W. Prag, I.D. Repath (Malden etc. 2009), p. 91.

³² Far above the worth of an average freedwoman's possessions, according to G. Schmeling, *Commentary* cit., pp. 320 s.; a realistic number for R. Wolters, *C. Stertinus Xenophon* cit., p. 49.

³³ E.g., P. Herz, *Finances and Costs of the Roman Army*, in *A Companion to the Roman Army*, ed. by P. Erdkamp (Malden etc. 2007), p. 308, estimates the annual income of a legionary in the first century at somewhere between 750 and 900 sesterces; a daily wage of four

compared to the overall scale of the operation and to Trimalchio's capital. Yet, Trimalchio, who rarely tends to downplay his own role, declares his wife's contribution pivotal for his success, and Fortunata's action therefore a *res pia*. He views her money as the catalyst of growth, the *fermentum peculii*. Trimalchio's actions probably repeat the business methods of (former) slaves who were used to risking their *peculia* for the prospect of winning freedom³⁴. The initial losses and the addition of Fortunata's savings, which resemble the components of a regular slave *peculium*³⁵, serve to substantially convert, as the comparison to yeast makes plain, the *patrimonium laticlavium* into a *peculium*. That is the kind of money people of Trimalchio's provenance are used to and know how to handle with success.

From a purely mercantile perspective, the balance sheet of Trimalchio's business looks bleak: while he probably started out with more than 60 million sesterces to hand, his final success returned merely 10 million. Consequently, he must have incurred losses of 20 or even 50 million, depending on whether the 10 million represent his profits or only the proceeds of the second operation. Those numbers are surely fictive and simply emphasize that Trimalchio had, in each case, owned, lost and regained "tons of money"³⁶. He was far from one who grew *ex parvo*, as he would boast in his epitaph. His only independent accomplishment was the reduction of his inherited fortune to less than half its worth! In addition, his later "growth" was, according to his own opinion, owed to Fortunata's savings and not to investment of his own funds.

On the surface, by all this Trimalchio seems to unmask the "*ex parvo crevit*" inscription as a hollow fabrication. However, in Trimalchio's view, his business life justified the choice of exactly this epitaph. His confessed motive for investing the senatorial *patrimonium* in overseas trade was: *nemini tamen nihil satis est* – "nothing is never enough for no one"³⁷. This can show mockery³⁸ or insatiable greed but, even more forcefully, it signals the mentality of a slave or freedman³⁹: Trimalchio was not the type of Roman

sesterces was common in Italy during the first century CE (K. Ruffing, H.-J. Drexhage, *Antike Sklavenpreise*, in *Antike Lebenswelten: Konstanz – Wandel – Wirkungsmacht. Festschrift für Ingomar Weiler zum 70. Geburtstag*, Hrsg. P. Mauritsch et al. [Wiesbaden 2008], p. 341).

³⁴ R. Gamauf, *Slaves doing business: the role of Roman law in the economy of a Roman household*, in *European Review of History - Revue européenne d'histoire* 16 (2009), p. 336.

³⁵ R. Gamauf, *De nihilo* cit., pp. 240 ss.

³⁶ See J.H. D'Arms, *Commerce* cit., p. 110; G. Schmeling, *Commentary* cit., p. 320; R. Wolters, *C. Stertinus Xenophon* cit., pp. 47 ss.

³⁷ See G. Schmeling, *Commentary* cit., pp. 319 s.; on the double negation, cf. M.S. Smith, *Petronii Arbitri* cit., p. 102.

³⁸ R. Gamauf, *Aliquid* cit., p. 159.

³⁹ J.H. D'Arms, *Commerce* cit., p. 120, detects no change of attitude in Trimalchio during his career and stresses his "highly developed acquisitive instincts" (p. 104).

upper class *pater familias* who had the preservation and cautious increase of his ancestors' *patrimonium* in mind⁴⁰. A slave or a newly freed *libertus*, who normally had no money worth mentioning to hand – *nihil* – could not succeed simply by trying to preserve his current assets: he had to treat them as starting capital. Trimalchio was seeking recognition in a social environment in which only a “rise from nothing” brought prestige, and in which people proudly boasted comparatively modest riches, because they had been earned through hard work, in slavery and afterwards. In Trimalchio's case, however, his manumission and inheritance were late rewards for sexual services rendered to his master (and sometimes his mistress)⁴¹. Such a life was no entry ticket into the world of his hardworking *colliberti*. They would probably have rejected him⁴². Therefore, he deliberately framed the account of his business career to convince his *colliberti* that he actually was one of them.

A *libertus*' career was based on what he had at his disposal after manumission⁴³. Often, this may have been next to nothing, and therefore actually a *nihil*, the *peculium* or what little was left of it after a *redemptio suis nummis*/purchase of freedom⁴⁴. Trimalchio, however, had something both significantly more valuable and socially entirely different, a *patrimonium* (*lati clavium*). In order to make way for an “ideal freedman-life”, the *patrimonium* first had to go through a process of transformation and appropriation by destruction⁴⁵. Only in light of his purportedly enormous initial losses could Trimalchio convincingly pretend that his later accomplishments had been made from a basis no larger than a mere *peculium*, and that he, too, had “grown from nothing”, like some of his peers. After this kind of self-invention, he was able to present himself via the epitaph, not as just as another “ideal freedman”, but as the *Über*-freedman who “grew” *ex parvo* to the colossal wealth of 30 million sesterces all by himself⁴⁶. In the midst of industrious social climbers, one could only earn acceptance by proving one's worth through growing from the proverbial⁴⁷ nothing – *de nihilo/ab asse/de parvo*.

⁴⁰ See *infra*, after note 98.

⁴¹ Petron. *Sat.* 75.11-76.2.

⁴² See the judgements about Fortunata because of her “sex work” *infra* after note 48.

⁴³ On the risk of poverty after manumission, cf. A. Gonzales, *Quid faciant leges* cit., p. 280.

⁴⁴ E.g., Mart. 2.68.

⁴⁵ F. Grosdemouge, *L'accession* cit., p. 247: “Cette première banqueroute est symbolique dans son discours d'une volonté de rupture avec l'origine réelle de sa fortune”.

⁴⁶ See *infra* after note 101.

⁴⁷ G. Schmeling, *Commentary* cit., pp. 144 s.

5. The freedman Hermeros portrays Fortunata, Trimalchio's wife, in a tone very different from that used in describing the male *liberti*⁴⁸:

Petron. *Sat.* 37.2⁴⁹: *Uxor, inquit, Trimalchionis, Fortunata appellatur, quae nummos modio metitur. (3) et modo, modo quid fuit? ignoscet mihi genius tuus, noluisse de manu illius panem accipere. nunc, nec quid nec quare, in caelum abiit et Trimalchionis topanta est. ... (6) ipse (scil. Trimalchio) nescit quid habeat, adeo saplutus est; sed haec lupatria providet omnia, et ubi non putes est. (7) sicca, sobria, bonorum consiliorum: tantum auri vides. ...*⁵⁰.

Though at present she can measure money “by the bucket”, Fortunata, too, had started with nothing⁵¹. Like the biographies of the “ordinary” freedmen, her present wealth starkly contrasts with her lowly beginnings. Contrary to Hermeros' overall intention of praising her⁵², the picture that emerges is somewhat ambiguous. In her case, the sordid life she lived in slavery and the humiliating ways by which had to make money cast a shadow over her present. While neither C. Pompeius Diogenes is judged because of his willingness to debase himself for money, nor Chrysantus for defrauding money from the inheritance, Fortunata is depicted as a pariah: the reasons are first only ominously alluded to (*quid fuit - accipere*)⁵³ but are shortly afterwards crudely exposed, when she is apostrophised as *lupatria*⁵⁴ – “triple whore”⁵⁵. Even her husband, who himself shamelessly boasts of having been his master's sex object for 14 years (!)⁵⁶ holds her past against her in front of the guests in one of their quarrels⁵⁷:

⁴⁸ Compare M.S. Smith, *Petronii Arbitri* cit., pp. 79 ss.; E. Courtney, *Companion* cit., pp. 87 s.; G. Schmeling, *Commentary* cit., pp. 135 ss.; M.B. Skinner, *Fortunata* cit., pp. 199 ss.; L. Gloyn, *She's only a Bird* cit., pp. 264 ss., pp. 279 s.

⁴⁹ Punctuation as in N. Holzberg, *Petronius* cit., p. 66.

⁵⁰ “She's Trimalchio's wife,” he said, ‘called Fortunata, don't count her money, measures it in bushel baskets. (3) And what was she a little bit ago? Your guardian spirit is gonna have to forgive me for saying this: you wouldn't of wanted to take bread from her hand. Now she's on top of the world somehow or other – she's Trimalchio's all or nothing. ... (6) Himself doesn't know what he's got: he's that loaded. But that whore takes care of everything, she's everywhere – you wouldn't believe it. She's dry sober, knows exactly what she's talking about. You can see where all this gold comes from” (Translation by S. Ruden, *Petronius* cit., p. 26).

⁵¹ “No resources of her own” is, however, the conclusion of M.B. Skinner, *Fortunata* cit., p. 204, whereas L. Gloyn, *She's only a Bird* cit., p. 278, regards the money as hers.

⁵² G. Schmeling, *Commentary* cit., pp. 138 s.

⁵³ S. Ruden, *Petronius* cit., p. 26 note 79, sees here a parallel to the ritual uncleanliness of prostitutes in Judaism.

⁵⁴ A term for a former prostitute, according to M.S. Smith, *Petronii Arbitri* cit., p. 81; A. Richlin, *Sex* cit., p. 91; L. Gloyn, *She's only a Bird* cit., pp. 265 s., 275 s.; G. Schmeling, *Commentary* cit., pp. 137 s.; M.B. Skinner, *Fortunata* cit., pp. 204 ss.

⁵⁵ As “Dreifachnutte” translates N. Holzberg, *Petronius* cit., p. 67.

⁵⁶ Petron. *Sat.* 75.11.

⁵⁷ On which, see G. Schmeling, *Commentary* cit., pp. 312 S.; M.B. Skinner, *Fortunata* cit., p. 204.

Petron. *Sat.* 74.13: *Quid enim inquit, ambubaia non meminit se? de machina illam sustuli, hominem inter homines feci. at inflat se tanquam rana, et in sinum suum non sputit, codex, non mulier. sed hic, qui in pergula natus est, aedes non somniatur. ita genium meum propitium habeam, curabo domata sit Cassandra caligaria*⁵⁸.

He rudely abuses her as “Syrian flute girl” (*ambubaia*), a term clearly indicating prostitution⁵⁹, and claims to have saved from the platform on which she had performed or been exposed for prostitution or sale⁶⁰. Now she is a rich *liberta*⁶¹, whose manners match her husband’s, but they are far from those of the respectable matron she tries to impersonate⁶². The significant contrast between her humble past and her current wealth might have made her a candidate for a biography in terms of the “growth from nothing” model⁶³. However, being a woman *per se* puts her in the position of an outsider⁶⁴. Women having – and, even worse, making – money were readily suspected⁶⁵

⁵⁸ “The slut’s forgotten everything. I took her off the auction block and made a human being out of her. But now she’s all puffed up like a frog, thinks her luck’s endless. She’s got no more sense than a block of wood. Maybe somebody born in a hut, shouldn’t dream about a mansion. So help me I’m gonna put her in her place – she’s nothin’ but a bitch in army boots” (Translation by S. Ruden, *Petronius* cit., pp. 57 s.).

⁵⁹ M.S. Smith, *Petronii Arbitri* cit., p. 204; C. Pellegrino, *Petronii Arbitri: Satyricon. Introduzione, edizione critica e commento* (Roma 1975), p. 357; sceptical as to the truth of the story are, however, L. Gloyn, *She’s only a Bird* cit., p. 275 s., and M.J. Perry, *Gender, Manumission, and the Roman Freedwoman* (New York 2014), p. 149.

⁶⁰ In the latter sense, see M.S. Smith, *Petronii Arbitri* cit., p. 204; G. Schmeling, *Commentary* cit., p. 312; for a stage performer, see C. Pellegrino, *Petronii Arbitri* cit., p. 357.

⁶¹ M.B. Skinner, *Fortunata* cit., p. 200, accepts her as “as to some degree representative of an entire cohort”; A.J.B. Sirks, *A Favour to rich Freed Women (libertinae) in 51 A.D. On Sue. Cl. 19 and the Lex Papia*, in *RIDA* 27 (1980), pp. 293 ss., expects the existence of a great number of rich *libertae* in the early Principate.

⁶² M.B. Skinner, *Fortunata* cit., p. 207.

⁶³ On “sex work” as a source of slave income and a *peculium*, see R. Gamauf, *De nihilo* cit., pp. 242 s.

⁶⁴ See also M. Garrido-Hory, *Les affranchis chez Pétrone: comportements et mentalités*, in *La fin du statut servile?* cit., pp. 269 s.

⁶⁵ See the rationale for the so-called *praesumptio Muciana*, according to Quintus Mucius in D. 24.1.51 (Pomp. 5 Q. *Muc.*): *Quintus Mucius ait, cum in controversiam venit, unde ad mulierem quid pervenerit, et verius et honestius est quod non demonstratur unde habeat existimari a viro aut qui in potestate eius esset ad eam pervenisse. evitandi autem turpis quaestus gratia circa uxorem hoc videtur Quintus Mucius probasse.* “Quintus Mucius says that when a controversy arises as to the source of property which has passed to a woman, when it is not clear where the property has come from, it is more correct and decent to hold that she got it from her husband or someone in his power. Quintus Mucius appears to have taken this view to avoid any disgraceful inquiry involving a wife” (Translation by G. McLeod, *The Digest of Justinian. English-language Translation II*, ed. by A. Watson [revised edition Philadelphia 1998], pp. 253 s.).

of having worked as *meretrices*/prostitutes⁶⁶. In Fortunata's case, misogynist stereotypes prevent her depiction as just another successful ex-slave⁶⁷.

6. Finally, the role of the male outsider in Trimalchio's ambience is played by Hermeros:

Petron. *Sat.* 57.4: *Eques Romanus es? et ego regis filius. quare ergo servivisti? quia ipse me dedi in servitutem et malui civis Romanus esse quam tributarius. et nunc spero me sic vivere, ut nemini iocus sim. (5) homo inter homines sum, capite aperto ambulo; assem aerarium nemini debeo; constitutum habui nunquam; nemo mihi in foro dixit: 'redde quod debes'. ... contubernalem meam redemi, ne qui in illius capillis manus tergeret; mille denarios pro capite solvi; sevir gratis factus sum; ... (9) ego fidem meam malo quam thesauros. ad summam, quisquam me bis poposcit? annis quadraginta servivi; nemo tamen scit utrum servus essem an liber. ... (10) dedi tamen operam ut domino satis facerem, homini maiesto et dignitosso, cuius pluris erat unguis quam tu totus es*⁶⁸.

His stylisation is the exact opposite of the ordinary freedman's *de nihilo* biography: his was allegedly a prince, who voluntarily became a slave in order to gain Roman citizenship through manumission. Hermeros' account is often quoted in support of the hypothesis that doing so was a widespread practice during the Principate⁶⁹. However, underneath the surface of

⁶⁶ On the close relationship between *mereri*/earn und *meretrix*/prostitute see D. Daube, *Roman Law: Linguistic, Social and Philosophical Aspects* (Edinburgh 1969), p. 10.

⁶⁷ She is not granted the privilege to invoke her master's orders as an excuse in Trimalchio's manner (Petron. *Sat.* 75.11: *nec turpe est quod dominus iubet*/"Nothing is shameful that the master orders"); see also M.J. Perry, *Gender* cit., pp. 151 s.

⁶⁸ "You're a Roman knight? Sure, and I'm a king's son. So why was I a slave? I volunteered. I thought it was better to become a Roman citizen someday than stay a provincial just payin' the taxes. And I hope I live a life that don't make me nobody's joke. I'm a man good as any other, walk with my head high and don't hide from nobody. I don't owe a red cent. Nobody hauls me into court, nobody stops me in the forum and says, 'Pay up!' ... I bought my partner out of slavery, to keep her master's dirty hands off her. I paid a thousand denarii for my own freedom. I was voted onto the board in charge of the emperor's worship, and they waived the usual fee. ... My good name is worth more to me than piles of money. Here's the bottom line: I pay when the bill comes. I was a slave for forty years, but nobody knew whether I was a slave or free. ... But I took care to live up to my master's expectations. He was the finest man that ever was – his little pinkie was worth more than all of you is" (Translation by S. Ruden, *Petronius* cit., p. 42).

⁶⁹ The theory originated with J. Ramin, P. Veyne, *Droit romain et société. Les hommes libres qui passent pour esclaves et l'esclavage volontaire*, in *Historia* 30 (1981), pp. 472 ss. (= *La société* cit., pp. 247 ss. = *Gesellschaft* cit., pp. 237 ss.). It served A. Söllner for his alternative interpretation of *homo liber bona fide serviens*: A. Söllner, *Corpus der römischen Rechtsquellen zur antiken Sklaverei (CRRS) Teil IX: Irrtümlich als Sklaven gehaltene freie Menschen und Sklaven in unsicheren Eigentumsverhältnissen - Homines liberi et servi alieni bona fide servant*

Hermeros' discourse, Petronius packed quite a number of niggling hints that, on closer inspection, raise doubts that the readers were expected to see in the speaker a regular former slave. Hermeros does not fit amongst Trimalchio and his *colliberti*. He has a decent character and lacks their bombast as well as their fixation with money (*fidem meam malo quam thesauros*). Instead, he takes pride in rather petty bourgeois virtues, like always paying his bills (*assem aerarium nemini debeo; constitutum habui nunquam; nemo mihi in foro dixit: 'redde quod debes'*) and, unlike Trimalchio, pities his wife for her sufferings in slavery (*contubernalem meam redemi, ne qui in illius capillis manus tergeret*)⁷⁰. When he speaks, in words reminiscent of Trimalchio's⁷¹, about having always satisfied his master (*dedi tamen operam ut domino satis facerem*), this is devoid of sexual allusion⁷².

In addition, on close inspection, other elements of the text add to doubts about his legal status as a slave. Some of the humour in the *cena* comes from transgressions of status borders, from slaves' not respecting their roles⁷³. To that end, visible and clearly delineated attributions of *status* to the protagonists of the narrative are essential. In Hermeros' case, the claim that, notwithstanding

(Wiesbaden 2000); A. Söllner, *Bona fides - guter Glaube?*, in SZ 122 (2005), pp. 1 ss.; A. Söllner, *Homo liber bona fide serviens*, in: *Handwörterbuch der antiken Sklaverei (HAS) II*, Hrsg. H. Heinen (Wiesbaden 2017), pp. 1447 s. In recent years, M. Silver has dwelt upon the idea in number of papers: M. Silver, *Contractual Slavery in the Roman Economy*, in AHB 25 (2011), pp. 73 ss.; most recently, M. Silver, *The Role of Slave Markets in Migration from the Near East to Rome*, in Klio 98 (2016), pp. 184 ss.; M. Silver, *At the Base of Rome's peculium Economy*, in *Fundamina* 22 (2016), pp. 67 ss. A written version of a presentation at the 71st SIHDA conference (Bologna 2017) entitled "Überlegungen zu Petron. 57,4 und zum Selbstverkauf als 'freiwilliger Sklave' im frühen Prinzipat" that questions this view is in the stage of preparation; critical, among others, already are J.A. Glancy, *Slavery in Early Christianity* (Oxford 2002), pp. 80 ss.; L. Peppe, *Fra corpo e patrimonio. Obligatus, addictus, ductus, persona in causa Mancipi*, in *Homo, caput, persona. La costruzione giuridica dell'identità nell'esperienza romana. Dall'epoca di Plauto a Ulpiano*, a cura di A. Corbino et al. (Pavia 2010), pp. 457 ss.; H. Mouritsen, *The Freedman* cit., pp. 10 s.; D. Liebs, *Book review of K. Harper, Slavery in the Late Roman World, AD 275-425* (Cambridge 2011), in SZ 130 (2013), p. 629.

⁷⁰ The host himself uses one of his slaves for the very same purpose (Petron. *Sat.* 27.6); see E. Courtney, *Companion* cit., p. 74; G. Schmeling, *Commentary* cit., p. 90; W.M. Clarke, *Jewish Table Manners in the Cena Trimalchionis*, in CJ 87 (1992), pp. 257 ss.

⁷¹ See note 67.

⁷² Generally no sexual connotations in the translations: J.P. Sullivan, *Petronius* cit., p. 73; O. Weinreich, *Petronius Arbiter, Das Gastmahl des Trimalchio* (Frankfurt-Leipzig 2006), p. 50; M. Heseltine, in M. Heseltine, W.H.D. Rouse, *Petronius, Satyricon/Seneca, Apocolocyntosis*, revised by E.H. Warmington (Cambridge Mass.-London 1969), p. 123; K. Müller, W. Ehlers, *Petronius Satyricon/Schelmenszenen*³ (München 1983), p. 111; V. Ebersbach, *Petron Satyrsgeschichten* (Leipzig 1984), p. 52; S. Ruden, *Petronius* cit., p. 42; V. Ciaffi, *Petronio: Satyricon* (Torino 2003), p. 73; A. Aragosti, *Satyricon* cit., p. 108; N. Holzberg, *Petronius* cit., p. 113. G. Schmeling, *Commentary* cit., p. 239, cannot exclude that he had once served as his master's *delicatus*; affirming the sexual connotation, however, F. Grosdemouge, *L'accession* cit., pp. 246 s.

⁷³ E.g., Petron. *Sat.* 70.11-13, 74.6-7.

his 40 years of service, nobody knew whether he was slave or free (*nemo tamen scit utrum servus essem an liber*), represents a unique instance of blurred *status* in the *cena*'s cosmos. Other elements in the text underpin this impression. Startling, too, are his subsequent assertions: *homo inter homines sum, capite aperto ambulo* "I am a man among men, I walk with a bare head". Modern translators and commentators usually miss the possible hidden meaning in this passage⁷⁴. *Homo inter homines* appears twice more in the *cena*: once, as Trimalchio lauds his late patron for having made him "a man among men" and, later, when he brusquely reminds his wife that he had made her "human"⁷⁵. The phrase *homo inter homines* clearly stands for manumission. In contrast to these references, which focus on the author of the act that turned a slave into a "man among men", Hermeros does not claim to have been made into *homo inter homines* but, rather, always to have been *homo inter homines*. Judging from the author's linguistic usage, the phrase in this place appears not to indicate the passage from a servile past to the *status libertatis*. Together with the other allusions mentioned, this might imply that Hermeros never regarded himself a slave. Further, the closely connected but *per se* equally meaningless remark that he walked *capite aperto*, might be taking the same line, implying that his head had never been covered⁷⁶ by a freedman's cap/*pilleus*⁷⁷.

7. In the *Satyrica*, a *de nihilo* career is essential for a person's acceptance as an equal – *collibertus* – in the freedmen circle. Was this part of the *Satyrica*'s

⁷⁴ G. Schmeling, *Commentary* cit., p. 236 ("He can hold his head up high without a disguise."); similar the translation by S. Ruden, *Petronius* cit., p. 42 (see note 68); N. Holzberg, *Petronius* cit., p. 111 ("ohne mein Gesicht zu verstecken"); K. Müller, W. Ehlers, *Petronius* cit., p. 109; O. Weinreich, *Petronius* cit., p. 50; J.P. Sullivan, *Petronius* cit., p. 73; A. Aragosti, *Satyricon* cit., p. 107; A. Ernout, *Pétrone. Le Satiricon* (Paris 1950), p. 54.

⁷⁵ Petron. *Sat.* 39.4: *Patrono meo ossa bene quiescant, qui me hominem inter homines voluit esse!* "God bless my master – rest his bones! – who wanted me to be as good as the next man! (Translation by S. Ruden, *Petronius* cit., p. 27); 74.3: *de machina illam sustuli, hominem inter homines feci* (translation *supra* in note 58).

⁷⁶ The translation closest to this view is M. Heseltine, *Petronius* cit., p. 121 ("I walk about bare-headed."); cf. *Oxford Latin Dictionary* I², ed. by P.G.W. Glare (Oxford 2012), p. 161 s.v. *apertus* (6): "(of parts of the body, etc.) Uncovered, unveiled, bare ...".

⁷⁷ Cf. the mock-manumission in Petron. *Sat.* 41.7-8; E. Courtney, *Companion* cit., p. 90; Gonzales, *Quid faciant leges* cit., pp. 278 s.; G. Schmeling, *Commentary* cit., p. 161; U. Roth, *Liberating* cit., pp. 616 ss. On the *pilleus*, see H. Bellen, *Vom halben* cit., 21 s. and R. Selinger, *Pilleus*, in *Handwörterbuch der antiken Sklaverei (HAS) II*, Hrsg. H. Heinen (Wiesbaden 2017), pp. 2230 ss. Note also, that in Petron. *Sat.* 38.8 (*supra* after note 6) the *incubo* (a gnome protecting a treasure; G. Schmeling, *Commentary* cit., p. 146) had to serve once his *pilleus* had been taken away from him (cf. C. Pellegrino, *Petronii Arbitri* cit., p. 270).

realistic side or just one more brilliant but purely literary construction⁷⁸? The question would be moot if a sepulchral inscription resembling Trimalchio's had survived. There are freedmen's graves quite similar to Trimalchio's in the Vesuvius region where the *cena* is situated⁷⁹. A good example is the cenotaph erected by Naevoleia Tyche for her husband Munatius Faustus and herself at the Herculaneum gate outside Pompeii: the front side of the monument shows the husband in a public function and the right-hand side depicts a ship under sail. This grave follows almost exactly the pictorial programme Trimalchio had in mind⁸⁰.

Though elements of the obituary for Chrysantus appear in inscriptions⁸¹, evidence for phrases like *de nihilo crevit/de parvo crevit/ab asse crevit* is unfortunately not in the epigraphical record. Possible examples of epitaphs, those already considered by Mommsen in this context (CIL. 5.7647 l. 4: *ab asse qu(a)esitum* and 5.6623: l. 5: *ab as(s)e posuit*)⁸² together with one other (CIL. 9.2029 l. 5: *ab asse quaesitum lucro suo*), lack the term *crescere* that is so central in the *cena*'s narratives.

Closest in Latin literature to the language of the *cena*'s chit-chat about slaves or freedmen growing from nothing to riches comes the definition of *peculium* in

D. 15.1.40 pr. (Marcian. 5 reg.): *Peculium nascitur crescit decrescit moritur, et ideo eleganter Papirius Fronto dicebat peculium simile esse homini. (1) quomodo autem peculium nascitur, quaesitum est. ... ita igitur nascitur peculium: crescit, cum*

⁷⁸ There is no established method to assess the verisimilitude of single passages; beauty, in this case, lies in the eye of the beholder. See J.H. D'Arms, *Commerce* cit., p. 99: "... the text of the *Satyricon* ... sometimes faithfully reflects, sometimes comically distorts, contemporary Roman institutions and social realities" and H. Mouritsen, *The Freedman* cit., pp. 291 s.: "While the comic exaggeration is apparent, the basic 'realism' of Petronius' portrayal of the freedmen has been widely accepted. ... Petronius seized on the – indisputable – existence of wealthy 'independent' freedmen in Roman society and created a fictional 'underworld' entirely inhabited by members of this particular sub-category. The effect was both 'realistic' and highly unreal." See also the résumé on the *cena* in E. Courtney, *Companion* cit., pp. 115, pp. 123 ss. For a realist background, see also E. Lo Cascio, *La vita* cit., pp. 3 ss. and E. Olshausen, *Soziokulturelle Betrachtungen zur Cena Trimalchionis*, in *Studien zu Petron und seiner Rezeption/Studi su Petronio e sulla sua fortuna* cit., pp. 15 ss.; K. Rosen, *Römische Freigelassene als Aufsteiger und Petrons Cena Trimalchionis*, in *Gymnasium* 102 (1995), pp. 86 s. accepts the figures of the *colliberti* as basically realistic. For further literature on the potential 'realism' of Petronius, see U. Eigler, R. Lämmle, *Trimalchio*, in *Handwörterbuch der antiken Sklaverei (HAS) III*, Hrsg. H. Heinen (Wiesbaden 2017), pp. 3103 ss.

⁷⁹ See the literature *supra* in note 19.

⁸⁰ Photographs in L.H. Petersen, *Freedman* cit., pp. 65 ss.

⁸¹ *Honeste vixit, honeste obiit* (Petron. *Sat.* 43.1) has real-life counterparts, e.g., CIL 10.4629 l. 3: *beate vix[s]it beate obi(i)t*; M.S. Smith, *Petronii Arbitri* cit., p. 102; G. Schmeling, *Commentary* cit., pp. 167 s.

⁸² Th. Mommsen, *Trimalchios Heimath* cit., p. 204.

*auctum fuerit: decrescit, cum servi vicarii moriuntur, res intercidunt: moritur, cum ademptum sit*⁸³.

Here⁸⁴, one finds *crescere* and its opposite *decrecere* used in abundance⁸⁵. This text could provide the otherwise missing counterpart to the “growing” of slaves and freedmen by means of their *peculia*, as in the *cena*⁸⁶. A growing *peculium* kept intact a slave’s hopes to become free and one day to turn into *homo inter homines*, as they would say in the *cena*, either by way of reward for his services or via a *redemptio suis nummis*. Since a *peculium* might initially consist of nothing more than what a slave had been able to skimp and save on his own initiative before his master formally conceded it to him and thereby turned it into a legal *peculium*, a freedman could say about himself retrospectively that he had started to grow from nothing⁸⁷. In this regard, both in Petronius and in Marcianus, the *peculium* was similar to, or to some extent even identical with, the man (or woman) holding it. From this perspective, the at first sight awkward assimilation of *homo* and *peculium* in D. 15.1.40 pr. (Marcian. 5 reg.), which has startled lawyers since the *Glossa ordinaria*, might at least make a little sense⁸⁸. The use of *sermo vulgaris*, as in the *cena*, in a definition of *peculium* was not confined to Marcianus. When Ulpian sums up the economic character of a *peculium* in D. 15.1.5.3 (Ulp. 29 ed.) *Peculium dictum est quasi pusilla pecunia sive patrimonium pusillum*⁸⁹, he, too, inserts a colloquialism, *pusillus*⁹⁰. “Slave language” in definitions of

⁸³ “A *peculium* is born, grows, wastes away, and dies. So it was quite elegant of Papirius Fronto to liken the *peculium* to the slave. (1) How is a *peculium* born? ... So this is how the *peculium* is born; it grows by being increased, it wastes away when underslaves die or property gets lost, and it dies when it is taken away.” (Translation by T. Weir, *The Digest of Justinian. English-language Translation I*, ed. by A. Watson [revised edition Philadelphia 1998], p. 447).

⁸⁴ See furthermore D. 13.5.20 (Paul. 4 Plaut.): *Nec enim quod crescit peculium aut decrescit, pertinet ad constitutoriam actionem.* “For matters going to increase and reduce the *peculium* do not touch the action on *constitutum*” (Translation by P. Birks, in *The Digest of Justinian. English-language Translation I*, ed. by A. Watson [revised edition Philadelphia 1998], p. 399).

⁸⁵ On which in general, see H. Kiefner, *Ut eleganter Papirius Fronto dicebat. Metaphern im Römischen, Gemeinen und Bürgerlichen Recht: crescere, adcrecere, decrecere, An- und Abwachsen*, in *Festschrift für Otto Sandrock zum 70. Geburtstag*, Hrsg. K.P. Berger et al. (Heidelberg 2000), pp. 476 ss.

⁸⁶ According to W. Kalb, *Wegweiser in die römische Rechtssprache (für Absolventen des humanistischen Gymnasiums mit Übersetzungsbeispielen aus dem Gebiete des römischen Rechts)*² (Leipzig 1912), p. 21, Marcianus thereby employed a common metaphor.

⁸⁷ R. Gamauf, *De nihilo* cit., pp. 239 ss.

⁸⁸ R. Gamauf, *De nihilo* cit., pp. 235 ss.

⁸⁹ “A *peculium* is called so because of the picayune nature of the money or property in it” (Translation by T. Weir, *Digest* cit., p. 438).

⁹⁰ B. Boyce, *The Language of the Freedmen in Petronius’ cena Trimalchionis* (Leiden etc. 1991), p. 14.

peculium could reflect the importance of the institution in the lives of slaves, and one wonders whether the jurists thereby indirectly acknowledged their *de facto* decisive function in matters connected to *peculia*. Autonomous business administration by slaves and their chances of buying freedom with money from *peculia* (*suis nummis*) depended on the flexible legal regime of the *peculium* that respected (and had been developed in response to) the exigencies of everyday business practice⁹¹.

The conspicuous absence of *crecere de nihilo* and its similes in inscriptions – if the language of the *cena* and its parallels in the jurists' works show the *façon-de-parler* in real freedmen talk – might well be the consequence of an “epigraphical habit”. In that context, perhaps, freedmen neither wanted to communicate their exploits to posterity in everyday “slang” nor to show off, “Trimalchio-style”. Publius Aelius Onesimus, an imperial freedman, who had his testament inscribed on stone and had surely been affluent enough to be a suitable guest of the *cena*, left to his hometown the respectable sum of 200,000 sesterces. This was substantial money and he, too, was obviously keen on letting posterity know about it; but, instead of bragging, he somehow coquettishly declared his regret for not having been in a position to offer more for “the mediocrity of his tiny *peculium*” – *pro mediocritate tamen peculioli mei*⁹². This understatement of the rich freedman is fully in line with the declarations of his lesser counterparts: the *liberta* Maevia wanted to be remembered for living contently with little⁹³. In his epitaph, Q. Egnatius Blandus lamented that his imposed austerity had not allowed him to give larger gifts to his beloved wife Minucia Urbana⁹⁴. Other freedmen made passers-by aware that a grave covered the bones of “a poor man”⁹⁵. The son of an imperial freedman, and himself a freedman and *paedagogus*, Gaius Gargilius Haemon cherished his life with little *peculium* but great wealth of spirit⁹⁶, just as he valued having avoided legal disputes⁹⁷. In real life, freedmen's messages to posterity were prone to sound more like the self-portrayal of Hermeros, who was, in many ways, the outsider among the *cena*'s *colliberti*, than they were to imitate Trimalchio's epitaph, which, in

⁹¹ I. Buti, *Studi sulla capacità patrimoniale dei “servi”* (Napoli 1976), pp. 5 s., therefore sees a concession of some form of legal capacity to slaves in this field of the law.

⁹² CIL. III 6998 = CIL. III 13652 l. 3; similarly, CIL. VI 19175 l. 9: *de mea paupertate*. A parallel is an estate called *paupertas* in a testamentary provision quoted in D. 36.1.80.12 (Scaev. 21 *dig.*) which, according to Th.A.J. McGinn, *Celsus and the Pauper: Roman Private Law and the Socio-Economic Status of its Consumers*, in *Scritti per Alessandro Corbino IV* (Tricase 2016), pp. 631 ss., referred not to outright poverty but to a testator of modest means.

⁹³ AE. (2003) 567 ls. 4 s.: *vixi ut pauper satis esse(m)*.

⁹⁴ CIL. V 4593 ls. 7 s.: *pro paupertate ... tibi ... coniunx ut potui meritis parvola dona dedi*.

⁹⁵ CIL. VI 9545, 14404.

⁹⁶ CIL. V 8012 ls. 8 s.: *peculio pauper animo divitissimus*.

⁹⁷ Compare also the “life without crime”, in AE. (2001), p. 964.

addition to the overall ostentatious design of his grave, was one more fictitious element devised by Petronius for his persona⁹⁸.

In common with other details, the wording of the inscription reinforces Trimalchio's outsider status to the Roman upper-class readership of the *Satyrical*. To this end, the vulgar *ex parvo crevit* language of the epitaph contributed only one element. A second was the content as such, the heralding of Trimalchio's ultimate claim to success: his estate of 30 million. A reader doing the math of Trimalchio's entrepreneurship might have gone back a few columns on his scroll, reread the epitaph and then smirked: in hindsight, Trimalchio's first manifestation of triumph, too, proved hollow and, actually, amounted to a confession of failure⁹⁹. Cato, the *arbiter morum*, measured a man's success by what his account books showed at the end of his days. The *ensor* – with too much severity, in Plutarch's opinion – demanded that a successful *pater familias* should, during his life, have at least doubled the property he inherited¹⁰⁰. Trimalchio, who boasted his exploits on stone, had done the exact opposite: at death, he predicted, he would be in a position to leave less than half of what must have been the value of the original *patrimonium laticlavium*.

The *de nihilo* language, however, is simply another brilliant means by which Petronius construes freedmen as “others”, vis-à-vis his equally rich upper-class readers¹⁰¹. Slaves had *peculia* – and some freedmen never ceased to regard their possessions as such, even after manumission. The Roman upper class had *patrimonia*, estates inherited from the ancestors and destined to be preserved for posterity¹⁰². Therefore, Ulpian in D. 50.16.182 (Ulp. 27

⁹⁸ Whitehead, *The “Cena Trimalchionis”* cit., p. 301; J. Bodel, *Cena* cit., p. 43; cf. also J.R. Clarke, *Art* cit., p. 187: “Petronius ... conjured up an image of Trimalchio's excess in commemoration that matched the excess of his famous banquet”; F. Beltrán Lloris, *The “Epigraphic Habit” in the Roman World*, in *The Oxford Handbook of Roman Epigraphy*, ed. by Ch. Bruun, J. Edmondson (Oxford 2015), p. 135.

⁹⁹ It has been noted that in general “a sense of unreality” prevails in the *cena*, and things often are not as what they appear at first sight (E. Courtney, *Companion* cit., p. 124); in this sense, also the host's life was ‘unreal’.

¹⁰⁰ Plut. *Cat. mai.* 21.8: “He used to recommend these practices to his son, saying that decreasing the value of one's estate was something a widow would do, not a man. But he surely went too far when in a rash moment he said that any man whose account books show that he added to his estate more than he inherited deserves to be admired and revered as a god” (Translation by P.A. Stadter, R. Waterfield, *Plutarch: Roman Lives. A Selection of Eight Roman Lives* [Oxford 1999], p. 30).

¹⁰¹ The jibing at other guests by Askyltos, who is addressed an *eques/knight*, was presumably the kind of reaction that the manners of the *colliberti* were expected to provoke in a member of his *ordo*; by this, he triggered the caustic tirade by Hermeros, the *cena*'s ‘decent’ freedman (Petron. *Sat.* 57).

¹⁰² D. 28.2.11 (Paul. 2 *Sab.*): *In suis hereditibus evidentius apparet continuationem domini eo rem perducere, ut nulla videatur hereditas fuisse, quasi olim hi domini essent, qui etiam vivo*

ed.) regards *bona* and *peculium* as mutually exclusive categories, directly reflecting the socio-legal gap between *pater familias* and *servus*¹⁰³. This distinction did not differentiate between the two types of property based on their respective size or origin. Rather, the status of its holder was essential¹⁰⁴.

In Trimalchio's hands, a *patrimonium* necessarily had to turn into a *peculium*. The perspective generated by this value system made it inconceivable for a former slave to own a *patrimonium*¹⁰⁵. This also confirms a passage in the speech that Tacitus put into the mouth of Petronius' contemporary C. Cassius Longinus, on the occasion of the famous murder of Pedanius Secundus¹⁰⁶. Cassius ignored the reasons that motivated the *plebs urbana* to revolt and that prompted the senate to debate the imminent execution of 400 innocent men, women and children. Instead, he engaged with the rumours of the alleged triggers of the crime: Tacitus reports that Pedanius had either declined to manumit the slave who would later murder him, after accepting payment for manumission up front, or that he had been a (more successful) competitor in a lovers' quarrel over a pet-slave/*servus delicatus*. To ridicule his opponents' arguments, Cassius provocatively asked whether Pedanius had deprived the slave of some paternal money or whether the coveted pet-slave had already belonged to the perpetrator's grandfather – *an, ut quidam fingere non erubescunt, iniurias suas ultus est interfector, quia de paterna pecunia transegerat aut avitum mancipium detrahebatur? pronuntiemus ultro*

patre quodammodo domini existimantur. .../ "In the case of *sui heredes*, it is more clearly evident that the continuation of ownership leads to this, that no inheritance is regarded as having taken place, as if they were already owners, being thought of as in some sense owners even in the lifetime of the father" (Translation by W.M. Gordon, *The Digest of Justinian. English-language Translation II*, ed. by A. Watson [revised edition Philadelphia 1998], p. 362). See also K. Rosen, *Römische Freigelassene* cit., pp. 89 s.

¹⁰³ D. 50.16.182 (Ulp. 27 ed.): *Pater familias liber 'peculium' non potest habere, quemadmodum nec servus 'bona'.* "The head of the household who is free cannot have a *peculium* just as a slave cannot have 'property'" (Translation by M. Crawford, *The Digest of Justinian. English-language Translation IV*, ed. by A. Watson [revised edition Philadelphia 1998], p. 462); on which cf. G. Melillo, *Categorie economiche nei giuristi romani* (Napoli 2000), pp. 88 ss.; see also Fest. s.v. *peculium* (p. 290 Lindsay).

¹⁰⁴ See also *supra* at note 27.

¹⁰⁵ See P. Veyne, *Vie* cit., footnote 1.

¹⁰⁶ Tac. *Ann.* 14.42-45. On the speech, see D. Nörr, *C. Cassius Longinus: der Jurist als Rhetor (Bemerkungen zu Tacitus, Ann. 14.42-45)*, in *Historiae iuris antiqui. Gesammelte Schriften* 3, Hrsg. T.J. Chiussi et al. (Goldbach 2003), pp. 1585 ss.; R.A. Bauman, *Crime and Punishment in Ancient Rome* (London-New York 1996), pp. 81 ss.; J.G. Wolf, *Das Senatusconsultum Silanianum und die Senatsrede des C. Cassius Longinus aus dem Jahre 61 n. Chr.* (Heidelberg 1988); J.E. Spruit, *Het Senatus consultum Silanianum: een zwarte bladzijde uit de Romeinse strafrechtsgeschiedenis*, in *Festschrift für Rolf Knütel zum 70. Geburtstag*, Hrsg. H. Altmeyden et al. (Heidelberg 2009), pp. 1172 ss.; J. Harries, *The Senatus Consultum Silanianum: Court Decisions and Judicial Severity in the Early Roman Empire*, in *New Frontiers. Law and Society in the Roman World*, ed. by P.J. du Plessis (Edinburgh 2013), pp. 60 ss.

dominum iure caesum videri (Tac. *Ann.* 14.42.4)¹⁰⁷. The jurist, according to Tacitus' portrayal, considered that to suspend the *SC Silanianum* would be as absurd as to accept a slave's money as his rightful property or to regard him as someone having a legitimate father or grandfather.

A member of the Roman nobility would have thought more than twice before risking his property as recklessly as Trimalchio had done. With regard to his *patrimonium*, a patrician owner was in some sense regarded as being in the position of a trustee for his heirs only¹⁰⁸. In the case of Trimalchio and his *colliberti*, such inhibitions were not in place: they could never have such a *patrimonium* or legitimate heirs because none of them was a *pater familias*. The author had created them all childless¹⁰⁹.

¹⁰⁷ "Or – as some can feign without a blush – did the killer avenge his personal wrongs because the contract touched his patrimony, or he was losing a slave from his family establishment?" (Translation by J. Jackson, *Tacitus in Five Volumes V: The Annals. Books XIII-XVI* [Cambridge Mass. 1937], p. 177).

¹⁰⁸ See *supra* in note 102 and the formula for the *interdictio* of prodigals in Paul. *Sent.* 3.4a.7: ... *quando ... bona paterna avitaeque nequitia tua disperdis liberosque tuos ad egestatem perducis ...* ("When you squander the goods of your father and grandfather through your carelessness and bring your children into poverty ...").

¹⁰⁹ For Trimalchio's lack of progeny, see Petron. *Sat.* 74.15; the reason was the advanced age of Fortunata at the time of her manumission, which is not a completely unrealistic scenario, because female slaves received their freedom mostly after their reproductive stage in life, cf. M.J. Perry, *Gender* cit., pp. 194 note 54. Significantly, Gargilius Haemon (at note 96) had a freedman father but was himself born a slave. In this regard, the switch in terminology when the speaker refers to Chrysantus estate in ch. 43.5 also deserves attention: *Et ille stips, dum fratri suo irascitur, nescio cui terrae filio patrimonium elegavit.* "But he got mad at his brother, and willed the money out of the family to somebody with no more background than a weed growing out of the dirt" (Translation by S. Ruden, *Petronius* cit., p. 30). In this case, neither was the estate a family *patrimonium* nor the heir a legitimate *filius familias*. Quite to the contrary, he was just some obscure stranger. *Patrimonium* and *filius* in this passage are employed for the purpose of literary mockery.