

A Fisco Petit: The Alienation of State Property in the Roman Empire

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1. Marcus Manilius *Astronomica* 5.318-319

non...digitos quaesiverit hasta, / defueritque bonis sector.... (Text from Goold 1998 Teubner)

“the spear of a public auction will not seek bidding fingers in vain, nor will a bidder for goods be absent.” (Translation my own)

2. Herodian 7.3.2-5

ἔς ὅσον μὲν οὖν ἐς τοὺς καθ’ ἓνα ταῦτα ἐπράτετο καὶ μέχρις οἰκείων ἔμενον ἡ συμφορὰ, οὐδὲ πᾶν τι τοῖς δήμοις τῶν πόλεων ἢ τοῖς ἔθνεσι διέφερε· τὰ γὰρ τῶν εὐδαιμονεῖν δοκούντων ἢ πλουσίων πταίσματα πρὸς τῶν ὄχλων οὐ μόνον ἀμελεῖται, ἀλλὰ τινὰς τῶν κακοήθων καὶ φαύλων ἔσθ’ ὅτε καὶ εὐφραίνει φθόνῳ τῶν κρειπτόνων καὶ εὐτυχούντων. (Text from 1970 Loeb)

As long as this treatment was confined to individuals, and the tragedy went no further than the immediate household, it made little difference to the people in the cities or the provinces. Disasters that occur to those who are apparently fortunate and rich do not concern the common people and sometimes even cause pleasure to certain worthless, malicious individuals, because they envy the powerful and prosperous. (Whittaker 1970 Loeb translation)

3. Code of Justinian 10.3.1 (Caracalla to Agortia, 213 CE)

Quod in libellum contulisti, procuratori meo, ad cuius officium desiderium tuum pertinet, adlega. cui si probaveris non auctore procuratore vel eo, cui vendendi fuit facultas, neque habitis bastis nec omni ordine peracto venditas res esse, et id quod ex causa iudicati debes exsolveris, rescissa venditione mala fide facta easdem res recipies cum fructibus, quos ad emptorem mala fide pervenisse vel pervenire debere constiterit. (Text from Krueger, 13th edition)

Disclose to my procurator, to whose office your desire pertains, what you have included in your petition. If you prove to him that the property was sold not under the authority of the procurator or of one who had the right to sell, and without holding an auction (*bastae*) or observing every procedure, and you pay what you owe as a result of an adverse verdict (*ex causa iudicati*), a sale conducted in bad faith will be rescinded, and you will regain the same property with its fruits that are established to have accrued or that ought to accrue to the buyer in bad faith. (Frier et al. 2016 translation)

4. Tacitus *Annals* 3.28

acriora ex eo vincla: inditi custodes et lege Papia Poppaea praemiis inducti, ut, si a privilegiis parentum cessaretur, velut parens omnium populus vacantia tenerent. sed altius penetrabant urbemque et Italiam et quod usquam civium corripuerant, multorumque excisi status. (Text from Heubner 1994 Teubner)

Then the shackles grew tighter. Guards were set over us and, in cases of men relinquishing the privileges of parenthood, these guards had the inducement of rewards under the *Lex Papia Poppaea* to ensure that the people, the parent of all, as it were, took over the unclaimed inheritances. But they began to take too deep a hold, fastening their grip on the city, on Italy and citizens everywhere, and many people found their fortunes severed from them. (Yardley 2008 Oxford World's Classics translation)

5. Digest 49.14.13 (Paulus *libro septimo ad legem Iuliam et Papiam*)

Edicto divi Traiani, quod proposui, significatur, ut, si quis, antequam causa eius ad aerarium deferatur, professus esset eam rem quam possideret capere sibi non licere, ex ea partem fisco inferret, partem ipse retineret. Idem postea edicto significavit, ut, quaecumque professa esset vel palam vel tacite relictum sibi quod capere non posset et probasset iam id ad fiscum pertinere, etiamsi id non possideret, ex eo, quod redactum esset a praefectis aerario, partem dimidiam ferat. (Text from Mommsen, 16th edition)

In an edict of the deified Trajan, which I have set out above, it is indicated that if anyone, before his case is denounced to the state treasury, should have admitted that he did not have the right to take the property which was in his possession, he should pay part of it to the imperial treasury and keep part himself. The same emperor subsequently indicated in an edict that whoever had admitted that there had been left to him, openly or tacitly, [something] which he could not [lawfully] take, and had proved that it already belonged to the imperial treasury, even if it were not in his

possession, should have a half share of that which was collected by the prefects of the state treasury. (Watson 1998 translation)

Bibliography

- Alessandri, S. 2005. *Le vendite fiscali nell'Egitto romano: Da Augusto a Domiziano*. Vol. 1. 3 vols. Bari: Edipuglia.
- . 2012. *Le vendite fiscali nell'Egitto romano: Da Nerva a Commodo*. Vol. 2. 3 vols. Bari: Edipuglia.
- . 2017. *Le vendite fiscali nell'Egitto romano: Da Settimio Severo a Diocleziano*. Vol. 3. 3 vols. Bari: Edipuglia.
- Boulvert, G. 1982. "L'autonomie du droit fiscal: Le cas des ventes." In *Aufstieg und Niedergang der römischen Welt: Geschichte und Kultur Roms im Spiegel der neueren Forschung*. Berlin: Walter de Gruyter & Co. 2.14:816–49.
- Crawford, D.J. 1976. "Imperial Estates." In Finley, M. ed. *Studies in Roman Property*. Cambridge: Cambridge University Press. 35–70.
- Kehoe, D. 1988. *Economics of Agriculture on Roman Imperial Estates in North Africa*. Göttingen: Vanderhoeck & Ruprecht.
- . 1992. *Management and Investment on Estates in Roman Egypt During the Early Empire*. Bonn: R. Habelt.
- . 2007. *Law and the Rural Economy in the Roman Empire*. Ann Arbor: University of Michigan Press.
- Kelly, B. 2011. *Petitions, Litigation, and Social Control in Roman Egypt*. Oxford: Oxford University Press.
- Lo Cascio, E. 2015. "The Imperial Property and Its Development." In Erdkamp, P., Verboven, K., and Zuiderhoek, A. eds. *Ownership and Exploitation of Land and Natural Resources in the Roman World*. Oxford: Oxford University Press. 62–70.
- MacMullen, R. 1976. "Two Notes on Imperial Properties." *Athenaeum* 54: 19–36.
- Maiuro, M. 2012. *Res Caesaris. Ricerche sulla proprietà imperiale nel Principato*. Bari: Edipuglia.