

Introduction: The Prices Edict at Aphrodisias

Aphrodisias is a unique source of information on the Prices Edict, for three reasons: it is the reconstruction of the placing of the Edict on the façade of the Basilica that has made it possible to demonstrate that we now know at least the structure of the entire text (Fig. 4); that same façade bears also the only known copy of a Currency Dossier, promulgated in the same year, AD 301; and the relative positions of the Prices Edict and of the Currency Dossier on the façade show beyond reasonable doubt that the Currency Dossier, relating to a measure or measures to come into force on 1 September AD 301, is later than the Prices Edict: the Currency Dossier would hardly have been placed at the top left-hand corner of the whole façade unless the rest of the façade had already been occupied by the Prices Edict.¹ And if, as I now think probable, *PSI VIII* (1927) 965 refers to the Prices Edict and the Currency Dossier, the order in which the two are mentioned is chronological.

The Prices Edict and the Currency Dossier must, however, on any showing be broadly contemporary, and clearly have to be considered together.

DATE

The recent general view of the date of the Prices Edict has been that it was promulgated between 20 November and 9 December of 301, on the basis of the numbering IMP. XVIII, to be taken as a regnal year, and TR.POT. XVIII, in the titulature of Diocletian in the Egypt copy, presumably from Alexandria.² (The regnal year occurs only in the Egypt copy, and only for the Augusti.) But, as just remarked, it is surely impossible to believe that the Currency Dossier would have been engraved at the top of the pier that frames the façade of the Basilica on the left, unless the Prices Edict had already filled almost the whole

of that façade;³ furthermore, the whole of the Preamble is based on the premise that the problem to which the edict addresses itself was of long standing. Diocletian was not a fool and had no wish, I think, to be seen as a fool: I do not think he or his advisers could have written the Preamble we have if the problem had only arisen a couple of months earlier.

The accepted date is based on the supposition that the first regnal year of Diocletian in Egypt ran from 20 November 284, the date of his accession,⁴ to 19 November 285; and that his eighteenth regnal year in Egypt ran from 20 November 301 to 19 November 302, thus providing the *terminus post quem*; and that his nineteenth tribunician year began on 10 December 301, thus providing the *terminus ante quem*.

It is indeed sometimes supposed that the doubling of the face value of (some of) the coinage in circulation caused inflation that the Prices Edict was designed to counter; but it is surely impossible for such an inflation to have been noticed and a document of the length and complexity of the Prices Edict to have been compiled in a couple of months or so.⁵ And as we shall see also in a moment, a draft of the chapter on water transport was sent west and revised before publication; this revised version was then inscribed at Aphrodisias and probably Aezani, lengthening the time that would have been necessary for the compilation of the Prices Edict.

Regnal years in Egypt may rather have corresponded with the Romano-Egyptian civil year, beginning on Thoth 1 = 29 or 30 August (in leap years), with the first, and incomplete, regnal year running from the date of accession to the end of the current civil year.⁶ Thus Diocletian's eighteenth regnal year

1 M. Speidel, 'Wirtschaft und Moral im Urteil Diokletians', *Historia* 58 (2009), 485–505, at 497, n. 47, is unaware of the fact that the order of inscribing of the Prices Edict and the Currency Dossier has been known since 2002.

2 J. Lafaurie, 'Remarques sur les dates de quelques inscriptions du début du IV^e siècle', *Comptes rendus des séances de l'Académie des Inscriptions et Belles-Lettres* (1965), 193–210, at 197–8, endorsed by T. D. Barnes, *The New Empire of Diocletian and Constantine* (Cambridge, Mass 1982), 18–19; see S. Corcoran, *The Empire of the Tetrarchs* (Oxford 1996 = 2000), 206 for IMP. as an indication of a regnal year; compare, for example, S. Corcoran, 'Galerius, Maximinus and the titulature of the Third Tetrarchy', *Bulletin of the Institute of Classical Studies* 49 (2006), 231–40.

3 K. Strobel, 'Die Aufwertung des Jahres 301 n.Chr.', *Tyche* 30 (2015), 145–72, at 149, n. 16, claims that the assumption hitherto that the two blocks of the dossier formed the top two blocks is unwarranted and that they stood rather at the same level as the Preamble to the list of prices; but the moulding above the imperial titulatures makes this impossible.

4 See P. Beatty Panop. 2, line 170; J. D. Thomas, 'Diocletian's birthday and date of accession: P.Mich. inv. 5298A reconsidered', *Zeitschrift für Papyrologie und Epigraphik* 128 (1999), 161–4.

5 The suggestion of H. Böhneke, 'Ist Diokletians Geldpolitik gescheitert?', *Zeitschrift für Papyrologie und Epigraphik* 100 (1994), 473–83, that the Prices Edict was based on an earlier compilation in the context of the changes made to the coinage in AD 294, is a counsel of despair; the claim of M. Giaccherio, 'Le *leges portus* modello per il calmieri diocleziano', in *Contributi di storia antica in onore di Albino Garzetti* (Genoa 1977), 213–22 is based on an incomplete set of comparisons.

6 See A. Chastagnol, 'Les années regnales de Maximien Hercule en Egypte et les fêtes vicennales du 20 novembre 303', *Revue Numismatique* 9 (1967), 54–81, at 54–5, at 80 oddly accepting Lafaurie's date for the Prices Edict.

in Egypt would have begun on 29 August 301.⁷ But 29 August would be cutting it rather tight for the diffusion of both the Prices Edict and the Currency Dossier, the latter of which was to come into force on 1 September in the consulship of Titianus and Nepotianus, that is, AD 301.

At this point two hypotheses are possible: either, when the scribe was preparing or the stonecutter was inscribing the titulature of the Prices Edict, dated only by the eighteenth tribunician year, one or the other inserted the (Romano-Egyptian) regnal year of the moment of preparing or inscribing; or the master copy had the correct regnal year, XVII, and XVIII is a mistake induced by the presence of XVIII as the tribunician year.

It is important to note that the copies circulated in the various provinces do not seem to have included an official version of the imperial titulature as a heading, but to have left this to local initiative, since at Stratonicea the Preamble and Prices Edict were headed only by *e(xemplum) s(acrarum) l(itterarum)*.⁸

In my view, Prices Edict and Currency Dossier were both later than 10 December 300 and both promulgated, in that order, in the summer of AD 301. One may then reasonably regard the alas fragmentary *P.Ant.* I (1950) 38 = *SB* X 10257, of 12 April 300, as a declaration of the price of a commodity made in preparation for the compilation of the Prices Edict.⁹ It would in my view have been completely impossible for a rise in prices as a result of the revaluation of the coinage to have occurred and been noticed and for a measure of the length and complexity of the Prices Edict to have been compiled in response in the time available on the current general view of the date of the latter.

ORDER

The arrangement of the text is determined by the overlaps between the different fragments (the overlap may in some cases be slightly greater than appears below, since the beginnings and ends of some fragments are too poorly preserved for it to be possible to identify their content):

Stratonicea Chs. 1–23, 11

7 This is implied by A. Chastagnol, l.c.; see R. A. Bagnall and K. S. Worp, *Chronological Systems of Byzantine Egypt* (Leiden and Boston 2004), Ch. 6.

8 See S. Corcoran, 'The heading of Diocletian's prices edict at Stratonicea', *Zeitschrift für Papyrologie und Epigraphik* 166 (2008), 295–302; it is unfortunate that the titulatures of the Currency Dossier and the Prices Edict at Aphrodisias are both incompletely preserved and marred by idiosyncratic mistakes. The point made in the text is also made by K. Strobel (n. 3), 150–2, with a different explanation of the figures in the Egypt copy. Strobel also stands the traditional view of the relationship of Currency Dossier and Prices Edict on its head, arguing that the Prices Edict was designed to forestall a rise in prices as a result of the intended revaluation of the coinage.

9 H. Brandt, 'Neue Überlegungen zum Preisedikt Diokletians', in A. Demandt et al. (edd.), *Diokletian und die Tetrarchie* (Berlin 2004), 47–55, seems to entertain both of the surely contradictory views that the currency regulations caused a rise in prices which the Prices Edict was designed to counter and that the two enactments were designed together: note that the Preamble to the Prices Edict at no point claims to be dealing with a *rise* in prices, rather than with the consequences of human greed.

Aezani, blocks 1–4	Chs. 6, 59 – 30, 1
Geronthrae II	Chs. 29, Heading – 31, 22
Aphrodisias, Dado III	Chs. 31, 13 – 47, 10
Megalopolis	Chs. 47, Heading – 49, 14
Megara IV	Ch. 49, 13–59
Megalopolis	Chs. 49, 43 – 52, Heading
Ptolemais I	Chs. 49, 73 – 52, 17
Carystus I	Chs. 52, 11 – 54, 16
Tamynae	Chs. 54, 13 – 55, 6
Megalopolis, col. iv	Chs. 55, 5 – 56, 37
Aezani Blocks 5 + 6	Ch. 56, 16–252
Geronthrae IV	Ch. 56, 243–313
Megara II	Ch. 56, 291–333

There is at this point a lacuna of 16 lines, once occupied, I think, by Ch. 56, 334–7 and Ch. 57, Heading–9

Samos + Halicarnassus	Ch. 57, 1–13
Megara II	Ch. 57, 10–35
Aezani, blocks 8–9	Chs. 57, 30 – 69, 50
Aphrodisias	Chs. 68, 94 – 69, end; 70

There is a notable difference between the Aphrodisias and Megalopolis copies: the chapter *De cannis et atramento*, which forms Ch. 42 in the former, appears in the latter immediately before the chapter, *De uestimentis*, a difference for which there is no obvious explanation. (The Megalopolis copy also describes the top quality of pens as 'Paphian (or) Alexandrian', rather than as just 'Alexandrian'.)

SUPPLEMENTS

The missing parts of the Aphrodisias copy of the Prices Edict are supplemented from the copies listed in Ch 4, Parallel Texts.

LAYOUT

The façade of the Basilica had six intercolumnar panelled bays, here called Bays I–VI, left to right. The marble panelling in each bay consisted of a dado, with mouldings at top and bottom, and above that, three levels of panels with mouldings on all sides, first, second and third registers. In each of these three registers, the panelling was divided vertically into two framed panels. Dado I, of which only small fragments survive, will have carried the second half of the Preamble. The other dado blocks carry three to four columns of text. The full evidence for the reconstruction of the text on the façade is described below by Philip Stinson in Chapter 2.

Although each of the columns on the dado blocks contains approximately the same number of items, some of the panels higher up display a surprisingly large variability in the number of items they contain, presumably to be explained in part by variability in line spacing. Note that the range occupied by 10 lines varies from 17.5 cm to 24.5 cm. The precise layout of the text presented here, in Ch. 2 and in Figs. 4–13, is inevitably still

in part hypothetical, and may be modified in the light of future discoveries.

COVERAGE

The broad categories of commodities and services are as follows: food (Chs. 1–6), wages (7); leather, etc. (8–22), timber, items made from wood, etc. (23–35), metals, etc. (36–37, see below), terracotta building materials and ceramics (40), glass (41); ink, etc. (42: see above), ivory and tortoise-shell (44), needles (45); transport by land (46), fodder (47); feathers etc. (48) (for Ch. 49 see below), clothing-related wages (50–52), silk, wool, and other clothing (53–57); gold and silver (58–59), slaves (60), pack-animals (61), marbles (62), animals, presumably for games (63–64); paper (65), wax (66), ropes (67); ‘*pigmenta*’, a rather miscellaneous assemblage (68); transport by water (69, revised version in 70).

There is, even by modern standards, rationality evident in the arrangement of the list:¹⁰

(1) Food and wages are followed by everyday commodities, with Chs. 42, 43 and 44 presumably placed together next because every household, as well as going to an outside craftsman (Ch. 7, 49–50), did bits of repairing, decorating of clothes, and converting what was left of one garment into another—for example, cloaks into tunics or adult clothing into children’s clothes. Transport by land and fodder go together as the next items, followed by everything relating to clothing; there then follow commodities, many of which required substantial investment, in some of which the emperor had an interest. Ch. 42, on writing-materials, which appears as Ch. 48 in the Megalopolis copy (see above), may have been tucked into a suitable small space at the end of Ch. 41 in the Aphrodisias copy, as being the first of a group of very short chapters.

(2) Some wages in relation to clothing are excluded from Ch. 7 and kept to go with clothing and decoration, without overlap or contradiction between the two groups.

(3) Everyday condiments, vinegar, *liquamen*, salt and honey, appear with oil,¹¹ and elite condiments are placed in Ch. 68.

(4) Was transport by water, Ch. 69, separated from transport by land and kept for the end because the compilers knew that in due course a revised version including provision for *onera fiscalia* would appear?

Stone other than marble is missing: presumably the assumption was that one just dug it out of the nearest hillside.¹² The absence of gem-stones is surprising, of ships and land less so.

Price in relation to size in the case of ships and price in relation to fertility in the case of land would presumably have been impossible to define.

The compilers seem to have been remarkably nonchalant, however, over grammatical uniformity: apparent cases of *in* + genitive are to be explained by the ellipse of a noun in the ablative; but a commodity may appear in the nominative or accusative, as well as the genitive depending on the quantity; and the quantity itself is randomly in the nominative or accusative, while the price may be in either the nominative or the accusative or the ablative.

PUZZLES

Iron. A problem is posed by Ch. 37, items 4–6:

a pound of *claves caligares* (nails for boots) *maiores* costs 30 denarii;

a pound of *claves caligares formae secundae* costs 50 denarii;

a pound of *claves caligares formae tertiae in clavis n(umero) quinque* costs 60 denarii.

Second or third *forma* normally refers to a lower quality, which would here fit badly with the higher prices; one may suppose that *maiores* is intended to flag the fact that *forma* is here used to describe size; that the smaller nails cost more because more fiddly to make; and that, although forged not cast, the very smallest size came in ‘strings’ of five, to be separated by the user. But did Roman boots really use three different sizes of nails?

A similar problem is posed by Ch. 24, items 8–9 and 10–11, where *ligna ad papiliones* (tent-poles) without iron (I suppose tips) cost 200 denarii, those with iron cost 400 denarii, twice as much; but a *paloredica* (identified as feminine singular, by the new Sparta fragment, for which see immediately below, not a set of shafts for carriages or vine-poles, contra *Zeitschrift für Papyrologie und Epigraphik* 26 (1977) 145) without iron cost 10 denarii, with iron 50 denarii, five times as much: presumably a *paloredica*, even if smaller than a tent-pole, used (nearly) as much iron.

Lead(?). Ch. 38, for which no heading is preserved, contained four items, costing respectively 8, 100, 20 and 1 denarius (for this price, see below); the prices are in the same general range as those of the preceding two chapters, on bronze and iron, and one might guess that this chapter covered lead.

Cloth. Despite its length, the structure of Ch. 56 (flax or tow) is in fact relatively straightforward. Items 1–3 deal with *linum quod appellatur stuppeum* by weight, items 4–12 deal with *linum* by weight, the first category consisting simply of *formae* I–III, the second of *linum inferius* and *linum grossum*, both also subdivided into *formae* I–III. From this point on, prices are given for a *tela* or a *quaternio*, except for *fasciae*, which are sold by the thousand. The organising capacity of whoever drafted this chap-

near Delphi, passes into marble in places: A. Philippson, *Die griechischen Landschaften* I, 2 (Frankfurt a. M. 1951), 444–50.

10 It follows that I no longer believe what I wrote in *The Classical Review*, n. s., 25 (1975), 276–9, reviewing Lauffer: ‘(Diocletian) surely simply had his clerks put together a jumble of whatever they could lay their hands on’ (the other prices alluded to are that of gold as implied in the Currency Dossier and that of orichalcum as implied by the Augustan ratio).

11 See E. Botte, *Salaisons et sauces de poissons en Italie du sud et en Sicile durant l’antiquité* (Naples 2009).

12 Note that stone other than marble is also omitted from A. M. Hirt, *Imperial Mines and Quarries in the Roman World. Organisational Aspects 27 BC–AD 235* (Oxford 2010), with K. Matijevic, *Bryn Mawr Classical Review* 2010.12.15. Note that hard limestone in the Hercyna Gorge,

ter is apparent from the way in which consistency is maintained in such a way as to respect the tabulation that follows.

The main group of items of clothing consists of:

dalmaticae (purae) muliebres (items 34, 44, 54, 64, 67)
dalmaticae uiriles siue colobii (items 39, 49, 59, 70, 73)
anabolarii (items 76, 81, 86, 91, 94)
faciales purae (items 97, 102, 107), *facialia* (items 112, 115)
caracallae (items 118, 123, 128, 133, 136)
coxalia siue perizomata (items 139, 144, 149, 154, 157)
orarii (items 160, 165, 170, 175, 178)
linteae muliebres (items 181, 186, 191, 196, 199)
sindones lectariae (items 211, 216, 221, 226, 229)

Each of these may be of *formae* I–III, *linum inferius* I–III, or *linum grossum* I–III; and each of *formae* I–III may be Scythopolitan, Tarsian, Byblian, Laodicene or Tarsico-Alexandrian. Related to this first group are *strictoriae purae* (item 13), which follow the same pattern, but consist only of *formae* I–III; *strictoriae militares* seem to take the place of the category *linum inferius* and are followed by *linum grossum*.

For two items, *capicularia* (headscarves, items 202, 205, 208) and *fasciae* (ribbons, items 232, 235, 238) it is stated that it is irrelevant whether they are Scythopolitan, Tarsian, Byblian, Laodicene or Tarsicoalexandrian; for the other items listed immediately below these, descriptors are simply not mentioned. All these items may be of *formae* I–III or *inferius* + *formae* I–III or *grossum* + *formae* I–III: *capicularia* (item 202), *fasciae* (item 232), *mantiulia* (item 263).

A possible third group (towels) consists of *sabana Gallica* (item 252), *sabana Eulaliana* (item 255), and *sabana Romanensia* and their two companions (items 258–60); it looks as if *Gallica* correspond to the top quality, *Eulaliana* correspond to *inferius*, and *Romanensia* etc. to *grossum*.

Four singletons are interspersed in the lists, *culcita* (item 241), *puluinus* (item 251), *saccus* (item 261), *chartae* for sails (item 262).

Many of the prices, given that there may be a sequence of up to 21 of them, seem to be calculated in such a way as to relate in a plausible manner to the highest and the lowest, rather than each being based on empirical evidence.

It is worth looking at one case from Ch. 56, where the three different qualities of the five different types of *orarii* (napkins) listed have the following maxima (items 160–80):

1,300	1,000	700
1,000	750	600
800	600	500
600	500	400
500	400	300

The sequences are symmetrical, except that for the second quality an expected 800, immediately after 1,000, is replaced by 750 and then for the third quality by 700: it may be that the choice of 750 for second quality material was motivated by a wish to have a larger differential between Scythopolitan and Tarsian than between Tarsian and Byblian, which would not have been

achieved by a choice of 800; but it is then odd that 750 was not selected for third quality Scythopolitan.

It appears from the way in which, in the entries within *mantiulia* (table-cloths, items 263–5), the text switches between *tela* (sheet) and *quaternio* (set), that these two terms are alternatives:

<i>tela formae</i> I	1,000 denarii
<i>quaternio formae</i> II	600 denarii
<i>quaternio formae</i> III	400 denarii

TRANSPORT BY WATER

A recent article highlights a number of interesting points:¹³ the order of the starting-points for the journeys listed in Ch. 69 is alphabetical for the Greek forms of the names, except for Nicomedia and Byzantium at the end, which comes as no surprise; and the provinces listed are those prior to the Diocletianic ‘reform’: the use of out-of-date information again comes as no surprise. As for the nature of the prices, they seem to have been thought of in terms, not of an estimate of the distance, but of the duration of the journeys, perhaps a denarius a day;¹⁴ some of the prices seem to be the result of adding together segments of journeys; and some of the prices fit with other evidence for the same journey, but in the reverse direction, despite the fact that the winds would have been quite different.

As is well-known, however, there are two chapters on transport by water, the first version being complete and the second surviving incomplete, with the most obvious difference being that the second version, presumably arriving later and certainly being engraved later at both Aphrodisias and Aezani, excludes *species fiscales* (fiscal goods) or *onera fiscalia* (fiscal cargoes) from the schedules; the prima facie consequence of this is presumably that the price for these categories might be higher than the maxima in the first version.

But by a combination of accidents we unfortunately have only a very poor idea of the extent and structure of the revised chapter. At Aezani, the extreme right-hand edge of the last surviving block, bearing the first version of the chapter in question and the letter of Fulvius Asticus, preserves the very beginnings of a handful of outspaced lines. These lines seem to belong to Ch. 70; the next block is presumably irretrievably lost.¹⁵ At Aphrodisias, the layout of what survives is presented in Fig. 11, below.

The revised water transport chapter (Ch. 70) occupied Bay VI, first register, left, and two columns on the dado; it will thus

13 P. Arnaud, ‘Diocletian’s Prices Edict: the prices of seaborne transport’, *Journal of Roman Archaeology* 20 (2007), 321–36; at 311, Arnaud misrepresents the view of Erim et al. (1971) on the relationship between the Currency Dossier and the Prices Edict; at 322, Fulvius Asticus has mysteriously become Valerius Asiaticus; and contra 322, text at n. 6, the cost of river transport is not calculated in units of 1,000 modii castrenses.

14 W. Scheidel, ‘Explaining the maritime freight charges in Diocletian’s Prices Edict’ *Journal of Roman Archaeology* 26 (2013), 464–8.

15 R. and F. Naumann, *Der Rundbau in Aezani, mit dem Preisedikt des Diokletian und das Gebäude mit dem Edikt in Stratonikeia* (Tübingen 1973), 14–15, figs. 2–3, fig. 13, pl. 15.

have covered at least about 80 inscribed lines on the first register, left + two columns of ca. 33 lines each on the dado = 146 lines in total, as opposed to 60 lines of the unrevised chapter, excluding perhaps another *feliciter multis annis*. At Aezani, there survive the beginnings of a further section of text to the right of the end of Ch. 69 and the letter of Fulvius Asticus on Block 9; the last-but-one column at Aezani probably originally had 35 inscribed lines, the last column has 26 + 15 = 41 inscribed lines; four columns would easily have accommodated a text of c. 150 inscribed lines on a further block to the right of Block 9. At Aphrodisias, the first register, left, almost certainly ended with the last part of Alexandria, while the first column of the dado almost certainly began with the first line of Oriens.

Apart from the exceptions to be discussed below, the entries in Ch. 70 proceed much as in Ch. 69; but since the revised version occupies about three times as much space as Ch. 69, it must have included many more places of origin and/or destinations. And in fact the section on Nicomedia in the revised chapter adds a destination, unfortunately not identifiable.

The principal differences between Ch. 69 and Ch. 70 are then as follows. (1) Ch. 70 includes a section in which each starting-point + destination + price is followed on a separate line by *praeter species fiscales quae formam suam optinent*. (2) The last column of Ch. 70, however, lists a journey, perhaps to Rome, with the exception *praeter onera fiscalia quae formam suam optinent*, then Sicily to other destinations, Sardinia to Rome, with the exception, then perhaps Corsica to Rome. There follows item D, 24, to which I return immediately below, and 7 items with Nicomedia as the starting point, finally Byzantium to Rome, with the exception, then Byzantium to other destinations.

(The very end of the text contains a complete afterthought, Ravenna to Aquileia, with the price given as 7,500 denarii for 1,000 modii, so 7.5 denarii per modius, surely rather on the high side.)

The first line with the name Nicomedia preserved may have begun with outspaced *item*; the preceding item cannot contain Nicomedia to Rome, with the exception, since 2 denarii per modius would be an absurd price for the journey from Nicomedia to Rome.

Perhaps its iron mines were important enough to justify the inclusion of Elba, as the preceding item; if that is so, we would have the addition of three islands close to Rome, as compared with Ch. 69.

The section with Oriens as a starting-point can be restored with confidence, since the order of the destinations and the prices seem to be identical to those in Ch. 69. Given then that journeys between Oriens and Rome and between Nicomedia and Rome were extracted from the schedules of other journeys from those two starting-points and presumably hived off elsewhere, it seems reasonable to suggest that the section in which each starting-point + destination + price is followed on a separate line by *praeter species fiscales quae formam suam optinent* forms a list of journeys from Rome; and that this list stood at the beginning of Ch. 70.

At Aezani, some 50 lines of text, to which I return immediately below, are followed by an outspaced *de*; I therefore suggest that Ch. 70 had two headings:

Heading: [a Roma ad quas prouincias quantum nauli excedere minime sit licitum];
and:
de [aliis naulis]

Once more at Aezani, within the c. 50 lines of text at the beginning, the outspaced beginning of *Item* occurs five times, separated as follows (all numbers of lines are approximate); but unfortunately not enough text survives to relate any one fragment to the probable sequence:

Heading = 2 lines:

11 lines
Ite[m]
11 lines
It[em]
5 lines
I[tem]
4 lines
It[em]
11 lines
It[em]
6 lines
De [aliis naulis]

If then a copy of the revised chapter on water transport occupied the block and the half-block following Block 9 in the Naumann numbering,¹⁶ the beginning of the list of prices must have stood on the side-walls of the macellum's north-west entrance; this has the desirable consequence that the list of prices did not begin at a random point in the wall-circle, though also the probable consequence that the Preamble was never inscribed. The intention was presumably always that it should be replaced by the edict of Fulvius Asticus, which in fact stands at the end of the main body of the text, after Ch. 69.

There are further interrelated problems with the revised water transport chapter: about half way between the penultimate and the ultimate *item* at Aezani, there is an outspaced *su*[-?], which it is very hard to supplement other than as [-?- *formam* / *su*[am -?-], but the distance from the preceding *item* means that there must have been more than one journey, to all of which the phrase provides the exception, perhaps beginning with something like *quorum naulorum praeter* ...

It perhaps appears then that journeys from Rome were arranged in groups. The only one that can be identified includes Salona and Galliae; and there is no way of telling whether Bay VI, Frg. 15 and Bay VI, Frg. 17 are to be placed in whole or in part side by side.

At Aphrodisias, the bottom of Bay VI, first register, left, should then be occupied by Alexandria, the first in alphabetical order: the text has been supplemented on the assumption that this is the case, with (at least) three additional destinations at the beginning and Ephesus placed differently.

16 R. and F. Naumann, *Der Rundbau in Aezani, mit dem Preisedikt des Diokletian und das Gebäude mit dem Edikt in Stratonikeia* (Tübingen 1973), 14–15, figs. 2–3; for a revised text, see M. H. Crawford and J. M. Reynolds, 'The Aezani copy of the Prices Edict', *Zeitschrift für Papyrologie und Epigraphik* 26 (1977), 125–51; 34 (1979), 163–210.

We have already considered the beginning of Oriens. Items D, 11–14 are either further entries for Oriens, after Sicily, with which Oriens ends in Ch. 69, or a different starting-point without an initial entry for Rome. If I am right in supposing that Sardinia, Corsica and Ilua have been added after Sicilia, it might be that Cyprus has been added here. Items D, 15–16 appear to contain starting-point + destination + price, followed by [*praeter onera fiscalia quae forma*] *m suam* [*optinent*] in Item D, 15; but it is not obvious what to do with it: since Asia should follow Oriens (+ Cyprus).

Africa will have followed Asia, but nothing survives.

The equivalent of the first 50 lines at Aezani + the section on Alexandria will comfortably fill the space on the panel.

The overall shape of Ch. 70 is, I think, reasonably clear, in particular the overall order of starting-points seems to be the same, with the hiving-off of much of Rome to the beginning and the insertion of one (probably) and then three islands; and some schedules are similar to those of Ch. 69; but there are large gaps, and we are particularly ill-informed about transport from Rome, which is likely to have been crucial. It seems in any case that to analyse the structure of the prices for transport by water using both versions together, when one is seriously incomplete, is hazardous.

DIFFUSION

The scale of diffusion of the Prices Edict on stone is unparalleled in the Roman world, even if that diffusion is the result of the initiative of a relatively limited number of governors, those of Achaia, Caria with Phrygia, Crete, Cyrenaica (if separate from Crete), and Egypt. The fragment in Greek from Pettorano, near Sulmona, has in my view been displaced (*verschleppt*) from Achaia; and I follow Simon Corcoran in holding that the fragments in Latin from Odessus and Samos are *verschleppt* from Caria. The possible fragment from the Ptoion near Acraephia, excavated by Maurice Holleaux, has been re-discovered by Robert Pitt and, although it is not clear at any rate to me what it is, it is certainly not a fragment of the Prices Edict. I now think that the fragments from Chersonesus in Crete attest to a separate copy from that at Cnossus, but still wonder uneasily if the Bargylia fragment does not come originally from Iasos or Halicarnassus; if so, that would make 42 copies. On the other hand, the lettering of the Heraclea Salbace copy of the Preamble (*MAMA* VI (1939), pl. 20, 102) does not closely resemble any of that of the Aphrodisias copy.

MONUMENT AND TEXT

We now know that at Stratonicea, Aezani and Aphrodisias the text of the Edict was engraved on a wall of an existing building; the block which bears the Egypt text also looks like part of a building, as do those from Synnada and Sandikli; the Ptolemais text seems to have been inscribed on the marble veneer of the wall of a building; the Aegira I text seems again to be on a block too large not to have formed part of a building; the same is true

of Megalopolis and Megara I–III, the latter of which look like parts of pilasters; and it is not to be excluded that the Delphi fragments once formed parts of the panels of a façade similar to that of the Basilica at Aphrodisias. It is at this point desirable to remind ourselves that, even if the masons at Stratonicea were of conspicuous idleness, masons elsewhere can be shown to have broken off before the end: the level of attestation becomes ever less dense as the end of the text approaches; and it may be that, where there was no suitable building with lots of space, it was simply not possible to assemble enough separate pieces of stone: Plataea II and Cnossus were certainly inscribed on free-standing panels. Only in the two well-studied examples at Aezani and at Aphrodisias is the end of the text known to have been reached.

The layout at Stratonicea was somewhat idiosyncratic: after inscribing two blocks of the text of the Preamble on the third course up from the ground, the letter-cutters moved on to two columns of the list of prices immediately to the right, then continued the list on the second and first courses, completing six columns. It would be pleasing to think that legibility was in their minds, but they then returned to the third course from the ground and inscribed a further two columns straight down from the third course to the ground, before giving up inscribing altogether.

A recent article publishes a photograph and drawing of a fragment from Sparta, which shows the bottom of the last column of the Latin preamble, arranged in columns above text in Greek.¹⁷ The Greek text contained parts of at least Chs. 14–15 and 24, of which parts of two columns survive, the first with parts of Ch. 14–15, the second with part of Ch. 24; the second column presumably once contained text equivalent in length to Chs. 15–24; there is no evidence that the text went to the end, and it may be that what we have is what survives of a monumental building, on which an incomplete text was inscribed, as at Stratonicea. Similarly, Cnossus II, republished by A. Chaniotis and G. Preuss, ‘Neue Fragmente des Preisedikts von Diokletian’, *Zeitschrift für Papyrologie und Epigraphik* 80 (1990), 189–202, shows the bottom of the last column of the Preamble above Ch. 4, 44, and it may be that this fragment is also all that survives of a monumental building.

LIMITATIONS ON PRICES

The Edict represents a radical reversal of earlier Roman practice.¹⁸ Although Greek cities in the Hellenistic period fixed prices,¹⁹ and continued to do so under Roman rule (see Apuleius,

17 E. Culasso Gastaldi and A. Themis, ‘Nuovi frammenti dell’Edictum Diocletiani’, *Annuario della Scuola Archeologica di Atene e delle Missioni Italiane in Oriente* 95 (2017), 371–82.

18 What follows is a revised and enlarged version of what I wrote in 1975, reviewing Lauffer; I am no longer tempted to think that Rabbi Johanan’s extension of the Jewish law of ‘over-reaching’, to protect sellers of land, in a period of falling prices for land, has anything to do with any measure of Diocletian, as tentatively suggested by D. Sperber, ‘*Laesio enormis* and the Talmudic law of Ona’ah’, *Israel Law Review* 8 (1973), 254–74.

19 A. H. M. Jones, *The Greek City from Alexander to Justinian* (Oxford 1940), 216–17; Cl. Vatin, ‘Un tarif des poissons à Delphes’, *Bulletin*

Met. I, 24 for control of the price of fish in Greece in the Imperial period), Rome on the whole did not. For salt, Livy was prepared to accept that the censors in 204 BC fixed different prices for Rome or its neighbourhood and elsewhere in Italia, presumably depending on distance from the sea and presumably on the basis that its sale was at that time a public monopoly.²⁰ Similarly, the sale of *minium* at Rome was apparently a monopoly, since it all came from a mine in Baetica that was the property of the Roman state; it was exploited by a *societas* of *publicani*, whose *lex locationis* fixed a maximum price of 70 HS per pound, a rule which they evaded by adulterating the *minium* (Pliny, *NH* XXXIII, 118).

The orthodox Roman view in relation to contracts in general was formulated by Cicero early in his career (*de inv.* II, 68): *pactum est quod inter quos conuenit ita iustum putatur, ut iure praestari dicatur*, ‘an agreement is something that is regarded as just between those who make the agreement, in such a way that it may be said to be lawfully delivered’.²¹

The same view underlies *Dig.* IV, 4, 16, 4 (Pomponius quoted by Ulpian): *idem Pomponius ait in pretio emptionis et uenditionis naturaliter licere contrahentibus se circumuenire*, ‘the same Pomponius says that in the price for purchase and sale it is naturally lawful for the parties to outdo each other’; and by XIX, 2, 22, 3 (Paul) – 23 (Hermogenian): *quemadmodum in emendo et uendendo naturaliter concessum est quod pluri sit minoris emere, quod minoris sit pluri uendere et ita inuicem se circumscribere, ita in locationibus quoque et conductionibus iuris est; et ideo praetextu minoris pensionis, locatione facta, si nullus dolus aduersarii probari possit, rescindi locatio non potest*. ‘just as in buying and selling it is of course allowed to buy for less what is worth more and to sell for more what is worth less and for the two parties to outdo each other, so also in leasing and hiring the law is the same, and as a result it is not possible for a lease to be invalidated, once it has been made, on the pretext of a lesser payment (being proper), if no deceit of the other party can be proved’.

Thus, in *Dig.* XXXVIII, 5, 1, 15 (Ulpian), the sale by a freedman of a piece of property *iusto pretio* simply means ‘at a price which the owner regards as fair’: *et alias uideamus, si dicat patronus rem quidem iusto pretio uenisse, uerumtamen hoc interesse sua non esse uenundatam ...*, ‘and let us consider in other

cases, if the patron should admit that the thing was sold at a fair price, but his concern is that it should not have been sold ...’.

Cases of course arose where a *iudex* had to decide on a *iustum pretium*, in effect arbitrating between conflicting claims, as in an action *communi diuidundo* in relation to a partnership (*Dig.* X, 3, 10, 2 (Paul)): *in communi diuidundo iudicio iusto pretio rem aestimare debet iudex*, ‘in a trial *de communi diuidundo*, the judge must assess the matter at a just price’, that is, at a price that the two parties can accept.

And the praetor came to be able to intervene in a case of disagreement over the price to be paid for a slave being sold in order to be manumitted (*Dig.* XL, 5, 31, 4 (Paul)). The procedure is complex: a man can leave a *fideicommissum* to an heir to buy a slave belonging to someone else and free the slave; the owner can simply refuse to sell, in which case the praetor cannot intervene; the owner can demand a higher price than the heir is willing to pay, described as *pluris iusto*, that is, more than can be agreed on, in which case also the praetor cannot automatically intervene; but if the praetor considers that the price requested by the seller is not *prima facie iniquum*, but it is rejected by the heir as *immodicum*, the praetor can force the heir to accept what is now described as a *iustum pretium* and manumit the slave in question. But this was the result of a rescript of Caracalla, presumably because of the over-riding principle of *fauor libertatis*. The earlier position, which excludes any computation of the price, so that the *fideicommissum* simply lapses, is described by Gaius II, 265, and in the so-called *Tituli Ulpiani* II, 11, *si dominus (seruum) iusto pretio non uendat*, ‘if the owner should not sell the slave at an agreed price’.

Otherwise, as far as I know, the only occurrence of a *iustum pretium* in the Digest is at VI, 1, 70 (Pomponius): the *actio Publiciana*,²² perhaps but not certainly of the late Republic, was available to certain possessors who needed to defend possession and potentially involved the endorsement of a valuation by a court; a quasi-Publician action is denied to fraudulent possessors, lest they should be able to acquire a *res* from an unwilling owner at a *iustum pretium* as a result of *rapina*; I take it that the *iustum pretium* is the valuation that might have been endorsed by the court if the action had been granted and had been successful.

Dig. XVIII, 1, 57, involves a learned and ingenious analysis by Neratius of the case in which a house has been sold, but had in fact before the sale been partly, not wholly, burnt down; according to Neratius, the value of what was left was to be estimated *uiri boni arbitrato* and consequential adjustment made.

Attempts artificially to drive up the price of grain were naturally according to the logic of the belief in the market forbidden: there was a penalty under the Lex Iulia de annonae for anyone, *qui contra annonam fecerit societatemue coierit, quo annonae carior fiat*, ‘who shall have acted against the corn-supply or entered a partnership to make the supply of corn dearer’; and, *eadem lege continetur ne quis nauem nautamue <d>etineat aut dolo malo faciat quo magis detineatur*, ‘the same law covers anyone who delays a ship or sailor or with malice aforethought acts in such a way

Correspondence Hellénique 90 (1966), 274–80, with other references. A fragmentary list of commodities and prices from Cyrene may be a similar tariff: *SEG* IX (1938), 35 = XXIX (1979), 1672; A. Bresson, *La cité marchande* (Bordeaux 2000), 301–3. For a sensitively nuanced account, see L. Capdetrey and C. Hasenohr, ‘Surveiller, organiser, financer: fonctionnement de l’agoranomie et statut des agoranomes dans le monde égéen’ in *iid.* (edd.), *Agoranomes et édiles* (Bordeaux 2012), 13–34.

20 Livy XXIX, 37, 3; but the measure is reported by Dio XVII, 70, as the imposition for the first time of a sales-tax on salt; Cato, XXIII, 103 ORF, records a position of *salinator aerarius*, which perhaps lends credence to the report in Livy: *quod attinet ad salinatores aerarios, cui cura uectigalium resignat ...*, ‘as far as concerns the *salinatores aerarii*, to which (concern) management of revenues assigns (an obligation)’; I see no reason to believe Livy when he attributes the creation of a public monopoly in salt to the second year of the Roman Republic (II, 9, 6).

21 See H. Grassl, ‘Marktorganisation und Preisbildung in der römischen Kaiserzeit’, in R. Rollinger and Chr. Ulf (edd.), *Commerce and monetary Systems in the Ancient World* (Stuttgart 2004), 352–63, for the dominance of the market in the Greco-Roman world.

22 For which, see in general W. W. Buckland, *A Text-book of Roman Law from Augustus to Justinian*, 3rd ed. revised by P. Stein (Cambridge 1933), 192–9; H. F. Jolowicz and B. Nicholas, *Historical Introduction to the Study of Roman Law* (Cambridge 1972), 263–7.