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INDEX

Antti Arjava	Jerome and Women	5
Jaakko Aronen	Il culto arcaico nel <i>Tarentum</i> a Roma e la <i>gens Valeria</i>	19
Christer Bruun	The Name and Possessions of Nero's Freedman Phaon	41
Björn Forsén - Erkki Sironen	Zur Symbolik von dargestellten Händen	55
Siegfried Jäkel	Thukydides als Historiker und Literat	67
Iiro Kajanto	A Humanist Credo	91
Mika Kajava	Cornelia Africana f. Gracchorum	119
Bengt Löfstedt	Notizen eines Latinisten zum Leviathan von Thomas Hobbes	133
Leena Pietilä-Castrén	Scenes of Ancient Rome in a 19th Century Souvenir	145
Olli Salomies	Zu Konsuln der Jahre 115, 135, 195 n. Chr.	165
Erkki Sironen	New Readings on Four Athenian Inscriptions of the Imperial Period	179
Timo Sironen	Una rilettura e un'integrazione di due epigrafi osche di Ercolano (Po 124 e 126)	185
Heikki Solin	Analecta epigraphica CXXVI-CXXXII	195
Antero Tammisto	<i>Tetrao urogallus</i> and <i>Phasianus colchicus</i> in Romano-Campanian Wall Paintings and Mosaics	223
W.S. Watt	Six Notes on Q. Curtius	249
De novis libris iudicia		253
Index librorum in hoc volumine recensorum		309
Libri nobis missi		313
Index		

The Name and Possessions of Nero's Freedman Phaon*

Christer Bruun

A freedman at Nero's court called Phaon is mentioned by both Suetonius and Dio.¹ But we do not learn very much about him, for instance not even his *nomen*, which will be one topic in this paper, nor are we told what his position at the imperial court was. It has been surmised that he held the post (or one of the posts) of *a rationibus* because an amphora stamp from Carnuntum is inscribed *Phaontis Aug. lib. a rat(ionibus)* (CIL III 14112,2).²

This identification has been made without much hesitation on the grounds that Phaon is an unusual cognomen.³ This is true up to a point; e.g. in the Index to CIL VI, Vidman has collected

* I wish to express my gratitude for having had access to Prof. H. Solin's files for the Supplement to CIL X, which greatly facilitated the study of some of the inscriptions discussed in this paper. For advice and comments I am grateful to Mr. M. Kajava, Prof. F. Millar, Prof. H. Solin, and Ms. E.M. Steinby, and for important information I thank Prof. E. Weber.

¹ Suet. Nero 48-49; Dio 63,27,3; Ps. Aur. Vict. epit. 5,7.

² A. Stein in RE XIX (1938) 1795f.; K. Wachtel, *Freigelassene und Sklaven in der staatlichen Finanzverwaltung der römischen Kaiserzeit*, Berlin 1966, 118; G. Boulvert, *Esclaves et affranchis impériaux sous le Haut-Empire romain*, Napoli 1970, 97 n. 37; P.R.C. Weaver, *Familia Caesaris*, Cambridge 1972, 259.289; F. Millar, *The Emperor in the Roman World*, London 1977, 77.

³ Boulvert, loc.cit.

only four cases, while Solin lists six items from Rome.⁴ In two inscriptions we actually find imperial freedmen; in CIL VI 10761 a P. Aelius Aug. lib. Phaon is mentioned, while CIL VI 24062 gives the text *D. M. S. Phaon et Epictesis Aug. lib. cum Phaonte et Epictesi filiis fecerunt sibi vivi item libertis libertabusque ...etc.*

The fact that the cognomen Phaon can after all be shown not to have been especially rare within the *familia Caesaris* raises some doubts over the identification of the Neronian Phaon with the *arationibus* known from the stamp in Carnuntum. To clarify the matter an investigation of the *nomen* of Nero's Phaon is necessary, the result of which will be that Phaon was after all not an *Augusti libertus* at all, and therefore cannot be the man known from Carnuntum.

In recent times not much attention has been devoted to what family name the Neronian freedman bore. This is perhaps understandable, since one would automatically assume that he was a Ti. Claudius (which would have been the case even if Nero had inherited him from Claudius). However, for a long time two inscriptions have been known that could give reason for further thought, and which have been neglected in respect to Phaon except for brief treatments by Arthur Stein many years ago, and a short note by H. Chantraine.⁵

The first inscription comes from Fundi and is easily accessible in AE 1914, 219 (originally published in *Ausonia* 6 [1911] 71 ff.); it has recently been reedited by G. Pesiri in *Epigraphica* 40

⁴ H. Solin, *Die griechischen Personennamen in Rom. Ein Namenbuch*, Berlin – New York 1982, 524.

⁵ A. Stein, *RE* XIX (1938) 1795f. Phaon Nr. 2; see also his comment in *PIR*² vol. III, p. 51. Recently some of the evidence has also been put together by H. Chantraine in *Studien zur antiken Sozialgeschichte* (Festschr. Vittinghoff), Hrsg. W. Eck, H. Galsterer, H. Wolff, Köln – Wien, 409 n. 76.

(1978).⁶ For the sake of clarity it will be cited in full; we are dealing with a text which, with minor individual differences, was originally inscribed on eight cippi:

Hic locus maceria clusus cum eo quidquid in eo est cum hac maceria sacer sanctus religiosus est neque veniri potest neque donari neque mancipari. Ius autem morandi in eo loco is erit quicumque ex domo Domitiae L. f. Lepidae erunt Domitive aut Domitiaeve vocabuntur. Praeterea huic loco via libera datur ex publica usque ad introitum in eum locum. Item aqua promiscue licebit uti ex hoc fundo villaque is qui in eo loco morabuntur. Haec sic praestari sine dolo malo iussit permisitque L. Domitius Phaon cuius uterque locus fuit in omne tempus posterum. Cippis octo positus. XII K. Iul. L. Aurelio Prisco L. Iulio Rufo cos. (= AD 67)

This inscription marked a tomb for the household of Domitia Lepida, the paternal aunt of Nero, and the descendants of her slaves and freedmen. The tomb was given by a man who is called L. Domitius Phaon, in AD 67, when the cippi presumably were inscribed as well. An important question for the present inquiry is whether Domitius Phaon was dead himself at the moment of the erection of the cippi. If that was the case, clearly no identification with Nero's last companion can be made, as that person was still alive in the autumn of 68.

Earlier students of this inscription have considered it to indicate Phaon's tomb.⁷ It is rather obvious that Phaon was

⁶ G. Pesiri, *Iscrizioni di Fondi e del circondario*, *Epigraphica* 40 (1978) 162-84, esp. 175-81.

⁷ Cf. Pesiri 176, "nel sepolcro di" L. Domitius Phaon; Stein (RE XIX) "L. Domitius Phaon...dessen Grabanlage"; cf. H. Solin, *Zu lukanischen*

intended to be buried in the tomb of Domitia Lepida's house, but I do not know what would compel us to assume that he himself was dead at the erection of the cippi. Nothing in the inscription indicates that his heirs acted according to his testament, and it is well-known how common it was to construct tombs *se vivo*.

I think this argument can be strengthened by pointing to a second inscription (CIL X 444 = D 3546 from Caposele in Lucania) which belongs under Domitian since it contains a vow for the emperor. It is very long, and the text will be given only in part:⁸

Silvano sacrum, voto suscepto pro salute Domitiani Aug. n., L. Domitius Phaon ad cultum tutelamque et sacrificia(!) in omne tempus posteru(!) iis qui in collegio Silvani hodie essent quique postea subissent, fundum Iunianum et Lollianum et Percennianum et Statuleianum suos cum suis villis finibusque attribuit, ...

...et via aditus ad Silvanu(!) per fundum Qaesicianum(!) omnibus patebit. Lignis quoque et ex fundo Galliciano et aqua sacrificari causa et de vivario promiscue licebit uti. Haec sic dari fieri praestari sine dolo malo iussit permisitque L. Domitius Phaon, cuius omnes(!) locus fuit.

Stein states that the two Domitii Phaontes in AE 1914,219 and CIL X 444 are separate persons,⁹ whereas Pesiri mentions

Inschriften, Helsinki 1981 (Comm.Hum.Litt. 69), 22 "...an seiner Grabanlage in Fundi".

⁸ This inscription has in fact been edited many times, most recently by V. Bracco in *Inscr.Ital.* III,1, Roma 1974, nr. 7 (with photo and bibliography). Comments are given by Solin 1981, 22.

⁹ Stein 1795 and it would seem Solin agrees (*loc.cit.*), „auf einen anderen L. Domitius Phaon hinweisen...". But according to Solin the man from Caposele was Nero's Phaon, and Stein (*loc.cit.*) thought along the same lines „er könnte identisch sein". Thus also in *PIR*² vol. III (1943) p. 51

the Lucanian inscription in a footnote without making identifications but pointing out that "il ... testo contiene alcune formule simili a quelle presenti nel nostro".¹⁰ The end of both inscriptions are indeed similar, but one must of course remember that we are dealing with juridical formulas which obey certain patterns.

However, it would all in all seem to be rather farfetched, without specific reasons, to assume the existence of two L. Domitii with the not very common cognomen Phaon, active as landowners in Italy within only some two decades.¹¹ The approximative date of the second inscription results from the fact that the birthdays of Domitian and the empress Domitia are to be celebrated. I think we can safely assume that the same L. Domitius Phaon is active in both Fundi and Caposele, and that the first inscription should not be interpreted as meaning that Phaon was already dead at the construction of the tomb.

Before continuing, brief consideration should be given to CIL VI 24062 mentioned above (p. 1), where we in fact have two generations of persons called Phaon, the elder one an imperial freedman at that. But this inscription has no relevance for the present argument, as it mentions the family tomb in Rome, and therefore the Phaon in VI 24062 cannot be the L. Domitius Phaon from Fundi.

"L. Domitius Phaon, X 444 = D 3546 nescio an idem sit Phaon libertus" (v. PIR¹ P 248).

¹⁰ Pesiri 181 n. 33.

¹¹ Admittedly, repetition of names seems to occur in slave households, notably the *familia Caesaris*, and it seems not to have mattered (perhaps on the contrary?) that somebody already bore the same name, cf. AE 1946,98 from Rome: *Dis manibus. T. Flavius Aug. lib. Philius cubicularius. Philius fratri optimo fecit*, discussed by P.R.C. Weaver, *Antichthon* 13 (1979) 73-76. For the two Phaontes, father (*Aug.lib.*) and son, see the remark below.

Is it then possible that the Italian landowner L. Domitius Phaon can be the same Phaon who appears in the entourage of Nero? The objections to overcome are two (now that it has been argued that the man from Fundi was not dead himself in AD 67): 1) Is it possible for a freedman at the court of Nero to carry the *nomen* Domitius? 2) Is it feasible that a freedman in imperial service would leave out his status indication and position at court?

Firstly, we can point to the fact that Nero bore the name L. Domitius Cn. f. Ahenobarbus before his adoption by Claudius in AD 50. Had he freed one of his slaves before that date, they would have become L. Domitii. This picture is given, notably, by H. Chantraine in his authoritative work on imperial freedmen. The same scholar also states that we seem to know only one such case; a Domitius Lemnus *procurator Germanici Caesaris*, who in another inscription is called *Aug. l.* Other scholars are of the same opinion.¹² But they all seem to have neglected what was stated as far back as 1938 by Stein, who objected to von Domaszewski's suggestion that the Domitius Phaon in CIL X 444 was a freedman of Nero, on the grounds that Nero, born in AD 37, had not yet in AD 50 reached the minimum age of 20 required by the *lex Aelia Sentia* for a manumissor.¹³

Stein's objection seems to be well taken.¹⁴ His own interpretation of the case is that "L. Domitius Phaon als Sklave im

¹² H. Chantraine, *Freigelassene und Sklaven im Dienst der römischen Kaiser*, Wiesbaden 1967, 65 with n. 15 for the case of Lemnus and again later *Id. Festschr. Vittinghoff* 408 n. 76; P.R.C. Weaver, *ILS* 1489. 1490 and Domitius Lemnus, *Historia* 14 (1965) 509-12. In agreement also M. Corbier, *Ti. Claudius Marcellinus et la procuratèle du patrimoine*, *ZPE* 43 (1981) 78.

¹³ Stein, *RE* XIX (1938) 1795.

¹⁴ If Stein is right, it means that we should not really expect to find any Domitii Aug.lib. who had been freed by Nero. This point has not been made in any review of Chantraine's work known to me (e.g. G. Prachner,

Vaterhaus Neros gelebt hatte und etwa von der Tante Neros, Domitia Lepida, freigelassen war" (on CIL X 444).¹⁵

At this point we must proceed to the second question above; whether it is imperative to find the epithet *Aug. lib.* in order to enable us to make an identification with the Phaon mentioned by Suetonius and Dio. If Stein is right, the omission of any status indication in our two inscriptions is actually easily explained. Since Domitius Phaon had not been freed by the Emperor, he had no reason to mention his status as ex-slave. But that he was of freedman status is rather apparent. Not just the Greek cognomen makes it probable, but also the omission of filiation in the inscription from Fundi, where we can observe that Domitia Lepida is *L(ucii) f(ilia)*.¹⁶

If we are right in assuming that Domitius Phaon had been freed by Domitia Lepida, there is still nothing to prevent him from advancing in the Emperor's service. One parallel is easily at hand; M. Antonius Pallas who held the post of *a rationibus* from Claudius until AD 55 was a freedman of Antonia.¹⁷ In general, an emperor could surely have entrusted even important tasks in his immediate entourage to freedmen who had not been

Gnomon 41 [1969] 173ff.; A.R. Birley, CR 19 [1969] 337ff.; W. Selb, ZSRG 85 [1968] 508-13).

¹⁵ See n. 9 above. It can be noted that Chantraine, Festschr. Vittinghoff 409 n. 76 assumes the same situation for the Domitius Phaon from Fundi, whom he thinks is the companion of Nero, but without mentioning CIL X 444.

¹⁶ The parallel is not exact, since for a woman from a senatorial family the filiation must be considered as an integral part of the name, therefore not easily left out (as pointed out by Prof. Solin).

¹⁷ S.I. Oost, The Career of M. Antonius Pallas, AJPh 79 (1958) 113-39. That the brother of Pallas, the procurator Felix, actually was named "Ti. Claudius" is now argued by N. Kokkinos, "A Fresh Look at the *gentilicium* of Felix Procurator of Judaea", forthcoming in Latomus 1989. I am most grateful to Mr. Kokkinos for having had access to his paper before its publication.

freed by him, but by a family member, and who had later been placed under his patronage due to inheritance or confiscation. In the case of Nero's aunt Domitia Lepida, we know that she was executed during the last year of Claudius' reign, in AD 54. What happened to her considerable property we cannot say for sure; of the two children that are known, Valeria Messallina actually died before her mother, in AD 47, and Faustus Cornelius Sulla (cos.ord. 52) was forced into exile in AD 58 and was killed on Nero's orders in AD 62.¹⁸ It is quite likely that her property, perhaps in part sooner, in part later, ended up in the emperor's possession.

It might be worth pointing out that on no occasion do the ancient sources expressis verbis say that Phaon was a freedman of **Nero himself**; Suetonius speaks only of *Phaon libertus* (Nero 48-49), whereas Dio uses the expression "Καيسάρειος" (63,27,3), which can be taken to mean generally "serving the Caesar", "belonging to the emperor's household", or the like, but is different from the terminus technicus "Σεβαστοῦ ἀπελεύθερος" for an imperial freedman.

At this point it is necessary to return to the amphora stamp mentioning a Phaon Aug. 1. *a rat(ionibus)* which so far unanimously has been connected to Nero's companion (cf. n. 3 above). Based on the present interpretation this now turns out to be impossible, since the Neronian Phaon should really have been a L. Domitius and no *Augusti libertus* at all.

¹⁸ For Domitia Lepida see now M.-Th. Raepsaet-Charlier, *Prosopographie des femmes de l'ordre sénatorial (I-II siècles)*, Louvain 1987, 285ff. no. 326, who also gives references to what is known of *praedia Lepidiana* and other possessions. Also R. Syme, *The Augustan Aristocracy*, Oxford 1986, Ch. XII "Nero's aunts", esp. 164ff.; for Valeria Messalina see Raepsaet-Charlier 606f. and PIR V¹ 161, for Faustus Cornelius Sulla PIR² C 1464. That Phaon had been inherited by Nero from Domitia Lepida is indeed thought likely by Chantraine, *Festschr. Vittinghoff* 409 n. 76.

Can this argument be upset by the amphora stamp? Among other things it would be important to identify the type of the amphora and to date it. First it should be noted that the complete entry under CIL III 14112,2 gives the stamp LOGI as the main text, together with, upside down and "in collo", the text "Phaontis Aug. l. a rat.". Unfortunately it seems that none of these two amphora texts have been given any attention at all since their inclusion in the CIL III Suppl. 2 volume of 1902. They are not cited in Callender's *Roman Amphorae*, nor in any other work by amphora specialists known to me.¹⁹ The mention in the CIL does not even give information about the form of the amphora, so it is not possible to determine what its content could have been.²⁰ On the whole, it seems impossible to say anything about the context of the amphora, since we have very few other amphora stamps from Carnuntum as comparisons.²¹

Generally speaking, it would of course be by no means improbable to find an Italian amphora in Carnuntum dating from

¹⁹ M.H. Callender, *Roman Amphorae*, London 1965 does not mention our stamps in the Index. The reason why they were omitted is not clear, since some other amphora stamps (which strangely enough are said to be unpublished) from present day Austria in the CIL III are included (e.g. CIL III 6007.3, 4, 6). Neither is any of the two texts mentioned in any specialized literature given in the following notes.

²⁰ The text at CIL III 14112,2 says "litteris pulchris. Carnunti rep. a. 1894 in fundo Huberi haud procul a castris inter meridiem et orientem ...iam Vindobonae in seminario archaeol.-epigraphico. Kubitschek descripsit". No mention is made of such a finding in H. Stiglitz-M. Kandler-W. Jobst, *Carnuntum*, ANRW II.6 (1977) 583-730. I am much indebted to Prof. Ekkehard Weber, Universität Wien, who kindly investigated the situation in Vienna and reported that no trace of the stamp could be found either at the Institut für Alte Geschichte or among the archaeological material.

²¹ In CIL III we have only 12010,20 "LAEI" (cf. Callender no. 792) with addition on p. 2328⁵⁴; 14371^{6b} "TIMOT", and 14371⁹ which is difficult to decipher. No amphora stamps can be found in the *Carnuntum Jahrbuch* volumes 1958, 1959, 1960, 1961/62, and 1963/64 which I was able to check in the University Library, Helsinki.

the middle of the I century AD; the evidence for exportation of goods from Northern Italy into Noricum and Pannonia is abundant.²² But a stamp with a text such as ours is rather unique. We almost never find mention of the office or status of people appearing in amphora stamps. Are we to interpret our text as indicating that the freedman Phaon was acting as an official of the *rationes* of the emperor and not in a private capacity? As a matter of fact, some Roman emperors do appear in amphora stamps, which obviously indicates that the imperial *patrimonium* was responsible for the manufacturing of the amphora (and perhaps produced the content as well). However, the typology is totally different from our stamp; we find the stamps IMP. AVG. GER. (Domitian), IMP. NERVAE AVG., IMP. NER. TRA., IMP. HADRI. and then stamps which are still later, AVGGG., AVGGG. NNN. etc.²³ Also, chronologically it would be impossible to fit an hypothetical Neronian Phaon *a rationibus* into this picture, since the earliest stamp belongs under Domitian.

Only in two types of stamps do we perhaps find an official, namely in CIL V 8112,5, where IMPE. VECT. appears together with ANCHA., and in CIL V 8112,6 with IMP. and CLYMEN. Callender suggests that *Ancha(rius?)* and *Clymen(us?)* might have been *vilici*,²⁴ while others consider them as *officinatores*.²⁵ Again the chronological aspect is of crucial importance.

²² See e.g. the inventory by P. Baldacci, *Alcuni aspetti dei commerci nei territori Cisalpini*, Atti CeSDIR 1 (1967/68) 5-50, who lists amphora stamps originating in Northern Italy with some references also to finds in Noricum and Pannonia. The stamps in CIL III are to be found at nos. 6007. 12010. 13549. 14112. 14371. 15212. See also Callender, *passim*.

²³ See Callender 267f. and Baldacci 30f. Clearly CIL III 14112,1 belongs to this group as well, and should be read IM]P. AUG. GER., not -]M. AUGG. R(AT).

²⁴ Callender 268.

²⁵ L. Brecciaroli Taborelli, *Per una ricerca sul commercio nella Transpadana occidentale in età romana: ricognizione sulle anfore di 'Vercellae'*, Atti Convegno...centenario...L. Bruzza, Vercelli 1987, 143f.

Clymenus also appears on amphorae with stamps mentioning a C. Laecanius Bassus, commonly regarded as the consul of 64. This person died in AD 78, and it is thought that one of the Flavian Emperors inherited or confiscated his means for producing amphorae.²⁶ Therefore these cases are all post-Neronian and cannot constitute a parallel for the assumed appearance of a Neronian *a rationibus* in an amphora stamp.

The imperial financial administration also appears in another context on amphorae, namely on some items from Monte Testaccio in Rome. Here the texts are FISCI RATIONIS PATRIMONI PROVINCIAE BAETICAE resp. FISCI RATIONIS PATRIMONI PROVINCIAE TARRACONE.²⁷ Since these amphorae are considerably later than the first century, however, they are of little aid to us.

The result of these comparisons, unfortunately conducted on a general level, is that if the stamp *Phaontis Aug. l a rat.* indicates the execution of an official task, it would seem to be Flavian or later. Indeed we know several imperial freedmen who held the position of *a rationibus* under the Flavians as well as during the II century.²⁸ However, if Phaon appeared in the stamp in a private capacity (e.g. as owner of the manufacturing establishment, or as transporter of the goods, etc.), at present we have no grounds for excluding a Neronian date. But not even this case makes the argument above concerning L. Domitius Phaon impossible. Phaon was not too rare a name, and as stated above,

²⁶ On the consul of AD 64, his economic activities and the imperial takeover, see F. Tassaux, *Laecanii. Recherches sur une famille sénatoriale d'Istrie*, MEFRA 94 (1982) 262-67. Recently M.B. Carre, *Les amphores de la Cisalpine et de l'Adriatique au début de l'Empire*, MEFRA 97 (1985) 222 n. 67 has suggested that the Laecanius Bassus who appears in the amphora stamps is the consul of AD 40.

²⁷ See F. Millar, *The Emperor in the Roman World*, London 1977, 626f.

²⁸ Wachtel 118f. provides a list with 12 names from the Flavians to the late II century.

we know e.g. a Phaon belonging to the *familia Caesaris* in Rome from the second century (P. Aelius Aug. lib. Phaon, CIL VI 10761).

For these reasons I believe that we must dissociate the Carnuntine amphora stamp from the L. Domitius Phaon who evidently was one of Nero's last companions. On this Phaon's part we can summarize our knowledge as follows: First of all we must give up the notion that he held the office of *a rationibus* at the time of Nero's death. We actually do not know in what capacity he appeared at Nero's court.

We can now point to properties owned by Phaon in at least three different places (we cannot of course tell if they were held simultaneously) which once again reminds us of the economic position acquired by freedmen at the imperial court, which went hand in hand with their political influence (the large possessions once held by M. Antonius Pallas in Egypt is a telling example of this²⁹). These three properties are:

- 1) The *suburbanum* between Via Salaria and Via Nomentana.³⁰
- 2) The *fundus* with a villa in Fundi (some 100 km south of Rome).
- 3) The possessions mentioned in CIL X 444, which consisted of the *fundi* called Iunianus, Lollianus, Percennianus, Statuleianus, Quaesicianus(?), and probably Gallicianus as well, situated in Lucania. As regards the history of landownership in imperial Italy, however, these notices do not tell us anything further; we cannot tell how Phaon acquired his possessions nor can the names of the properties be traced to any families we

²⁹ See the list of properties once held by Pallas in G.M. Parassoglou, *Imperial Estates in Roman Egypt* (Amer. Studies in Papyrology 18), Amsterdam 1978, 81.

³⁰ Suetonius tells that Nero fled to Phaon's *suburbanum...inter Salariam et Nomentanam viam circa quartum milliarum* (Nero 48).

know.³¹ Nor do we know what happened to the land after the death of Phaon. One possibility is of course that the emperor took over as owner.³²

There are indications that Phaon might have also been engaged in manufacturing activities. In connection with the tomb in Fundi, brickstamps have been found where the names L. Domitius Lupus and Apollonius appear. Perhaps we are dealing with the owner and an *officinator* of the brickworks.³³ Possibly our Domitius Phaon was connected to this activity in some way, but nothing certain can be said at the moment.

³¹ No connections result from a scrutiny of the senatorial families from Lucania mentioned by G. Camodeca in *Epigrafia e ordine senatorio* II, Roma 1982, 148-56. On what is known of landownership in general in the region, see A. Greco Pontrandolfo – E. Greco, *L'agro picentino e la Lucania occidentale, Società romana e produzione schiavistica I* (a cura di A. Giardina & A. Schiavone), Bari 1981, 137-49.

³² We know that the emperor owned land in the neighbourhood of Fundi from the title of one Ti. Claudius Speclator Aug. lib. who had been *proc. Formis Fundis Caietae* (CIL VI 8563=D 1578), probably from the late I century.

³³ The brickstamps in CIL XV 2246, 2. For the occurrence at Fundi see Pesiri 175. The same Domitius Lupus appears on other brickstamps from various places in Southern Latium (CIL XV 2245. 2247. 2248 and cf. 2244).