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V-VIRI ULS TIBERIM OR CISTIBERES

In his well-known report on the development of Roman administration Pomponius mentions with regard to night security officers: (Dig. 1.2.2. 31) *Et quia magistratibus vespertinis temporibus in publicum esse inconueniens erat, quinqueviri constituti sunt cis Tiberim et ultis Tiberim, qui possint pro magistratibus fungi.* In his "Digesta" edition Th. Mommsen treated the words "*et ultis Tiberim*" as an interpolation,¹ with the approval of most later scholars, although in his "Römisches Staatsrecht" of 1887 (II³, p. 11) Mommsen regards them as original. O. Hirschfeld had already suspected that the activity of *V-viri* extended to the right bank of the Tiber, because this was an independent *pagus* during the Republic.² This view was more amply supported by A. von Premerstein,³ who has written the only article devoted to the *V-viri*. Besides the observation of Hirschfeld he mentions that "*ultis*" is a "hapax legomenon" and that *V-viri cis Tiberim* or *Cistiberes* occurs both in Livy (39.14.10) and in later texts⁴ and inscriptions (CIL VI 3216,420; 37159, CIG 6218). Premerstein's opinion has won the approval of later scholars, and it appears in older and also in more recent manuals and general introductions.⁵

Evidently the *V-viri* were considered so insignificant that no one paid attention to them after von Premerstein's exhaustive article, whose main feature was its interesting illustration of how these Roman officials were imitated in Italian *municipia*.⁶ But his arguments are in need of more precise analysis, particularly as they are based to some extent on a manuscript which is now read differently.

The view of both Mommsen and von Premerstein that "*et ultis Tiberim*" in Pomponius (Dig. 1.2.2.31) was a later interpolation raises the question of how the interpolator arrived at this singular addition. An attempt to improve "*uls*" by using the better form "*ultis*" is easily understood, since the former was incomprehensible in his own time even if the latter

is truly a hapax legomenon. It is also possible that "ultis" in the manuscript is a corruption of "ultra". But whence comes the actual notion of extending the area of *V-viri "uls Tiberim"*? Both Mommsen and von Premerstein quote as their main evidence in favour of interpolation the fact that in Livy (39.14.10) only "*cis Tiberim*" is found. Such was the case in the texts they used. Today the text is generally read as follows:⁷ *triumviris capitalibus mandatam est, ut vigilias disponent per urbem servarentque, ne qui nocturni coetus fierent, utque ab incendiis caveretur, adiutores triumviris quinqueviri uls cis Tiberim suae quisque regionis aedificiis praessent.* The "*uti cis pro uls*" of earlier editions is a conjecture of Heusinger based on certain younger and inferior manuscripts (C), while the best, M in particular, have "*uls cis*".⁸ *Uls*, which Varro knows,⁹ was no longer in use at the time of Livy, so that he obtained it from an older source.

If Livy wrote "*uls cis*", it explains where Pomponius obtained the words which occur in "Digesta" in the form "*ultis, cis*". Hence there is no reason to regard them as an interpolation, for at the time of Pomponius, when *XIV regio, Trans Tiberim* had long been joined to the city, it was pointless to stress any longer that *V-viri* also acted *uls Tiberim*. Not later than 6 A.D., when the fire and police services of Rome were entrusted to *Praefectus Vigilum*, under whom *V-viri* presumably now worked, their title was changed in practice, and perhaps officially, to *V-viri cis Tiberim* or *cistiberi, cistiberes*; the latter perhaps by analogy with *vigiles*.¹⁰

This may be why Pomponius mentions their name when he later speaks of them as "*cistiberes*", the name used in his own time.¹¹

II

von Premerstein's second proof that "*uls Tiberim*" is an interpolation is the assertion by Hirschfeld that *uls Tiberim*, being an independent administrative area during the Republic,¹² did not enter the Roman sphere of administration. Hirschfeld bases his assertion on such studies as Gilbert's "Geschichte und Topographie der Stadt Rom im Altertum, II"¹³ and the inscriptions presented in it,¹⁴ both of which mention "*(magister) pagi Ianicolensis*". Its boundaries are not precisely known,¹⁵ nor is it known whether the area included the land below the hill and between the hill and the Tiber which Augustus later added to the city as its XIV

district and part of which, at least, Aurelianus encircled with walls in 272-76 A.D.¹⁶ This was an area first inhabited in the third century B.C. It was bound to attract the notice of the Roman police authorities, because no more than a part of it was yet joined to the city.¹⁷ von Premerstein's view is that four of the five *V-viri* each concerned themselves with one area of the city proper, and the fifth with the Aventine;¹⁸ Mommsen takes the view that the area of the fifth was *uls Tiberim*.¹⁹ This seems probable unless the Aventine and *uls Tiberim*, which were on opposite sides of the river joined by the *pons Sublicius*, were both within the sphere of the fifth *V-viri*. It was formally a simple matter for the authorities to intervene in the maintenance of order in areas *uls Tiberim*, because part of it, namely *Arx*, the citadel, and perhaps a portion between the walls leading from it to the Tiber, belonged to the city itself.²⁰

Although the Roman authorities would in principle have respected the autonomy of the *pagi*, dangerous situations such as the affair of the *Bacchanalia* in 186 B.C., when *V-viri uls cis Tiberim* are first mentioned in the sources,²¹ certainly compelled them in one way or another to extend their supervision to the other side of the Tiber. Presumably the poor working population there was already at that time composed partly of the freed descendants of slaves from the east, who were susceptible to religious excitation.²² The many worshippers of Bacchus mentioned by the consul Postumius in a speech to the Senate may have included some from the other side of the Tiber. In the temple consecrated to *Jupiter Heliopolitanus* on the slope of Janiculum there was at all events a sacred image of Bacchus, and the earliest known phase of the temple was in Republican times.²³ A patron of the temple at the end of the second century A.D. was in fact Gaionas, who was well known as *cistiberis*.²⁴

The Bacchic place of worship visited by the informer was certainly located near the Tiber and the Aventine; *uls Tiberim*, opposite the latter, is another possibility.

III

It appears from Livy's account that now, as in the year 213, the authorities feared two things: meetings at night and fires.²⁵ Under their surveillance the *III-capitales*, who posted guards in various parts of the city, obtained help from *V-viri uls Tiberim*, each of which guarded build-

ings in its area. Thus they formed a surveillance network whose efficiency was increased by local knowledge. On the right bank of the Tiber both tasks were of extreme importance because dangerous elements existed there, including those who had been banished.²⁶ At times of disturbance it was especially important to ensure safety from fire, as buildings were close together and mainly of wood.²⁷ The *V-viri* may owe their origin to the necessity for the State of improving police and fire services as the city grew at an explosive rate and, with increasing duties, the time of consuls and praetors sufficed only for supervision.²⁸ These duties remained with them presumably until the Imperial Age, for they were also performed by the *V-viri* of the municipia, who were evidently modelled after them. The offices were possibly established at the same time as the *tresviri capitales* of their superiors, in 290-87.²⁹ Because the former were preceded by the *tresviri nocturni*, which may have originated as offices of trust of the plebs,³⁰ the act of establishment has a possible connection with the *lex Hortensia*, which legalized the laws of the plebs and the office of tribune at the same time.³¹ It is surmisable that *V-viri cis Tiberim* sprang from the local government, which included *vicomagistri* and *magistri pagorum*.³² *V-viri*, of whose origin nothing is known, may of course be a creation of the authorities between 290 and 186, but the Romans gladly made use of what was available, and in Livy's description of what happened in 186 B.C. there is at least no mention of the foundation of *V-viri* offices at that time.

The low prestige of the office may be a sign of its unusual creation.³³ Although the *V-viri* at least later were magistrates, they clearly had no chance of promotion. They were at all events freeborn,³⁴ and their expert knowledge surely made them indispensable to the young, inexperienced *III-viri capitales* at the outset of their career.³⁵ Perhaps at the beginning they were appointed *pro magistratibus* when necessary by the Senate or its delegated official, such as an aedile, while at the end of the Republic they were selected in accordance with the Senate's decision by the aediles or under their direction.³⁶ Their official status is also indicated by the placing of five State slaves at their disposal.³⁷

The notion held by Mommsen, Hirschfeld, von Premerstein and most later scholars to the effect that the *V-viri* functioned only *cis Tiberim* rests partly on a false conjecture of Livy, partly on a too formalistic interpretation of Roman official practice. The position of these office-holders

or functionaries, who perhaps rose from positions of confidence in the early third century, never constituted a stepping stone to the Senate; rather they provided invaluable help to young, inexperienced officials in organizing the police protection and fire services of an expanding metropolis. These services were imitated by the Italian *municipia* in the early Imperial Age.

N o t e s

- ¹ Digesta, ed. Mommsen 1885, p. 3, note 25: *compilatores adiecerunt*.
- ² Die Sicherheitspolizei im römischen Kaiserreich (Sitzungsber. BAW 1891, p. 847, note 5).
- ³ Stadtrömische und municipale quinqueviri (Festschrift Otto Hirschfeld, Berlin 1903, pp. 234-42, especially pp. 234 f.).
- ⁴ Cfl Mart. 5.17.4; G. Heraeus, Rh. Mus. 54, 1899, p. 309; Hirschfeld, Hermes 24, 1899, pp. 106 f.; Thes.L.L. III, p. 1194; Commentarii notarum Tironis, ed. G. Schmitz, II, 1 = Tab. 36 n. 95; Glossae Scaligeri (vulgo Isidori), Corp. gloss. Lat. IV, p. 578:49; V, p. 253:27; V, p. 336:24; V, p. 613:44.
- ⁵ Darenberg-Saglio III, p. 1540; IV, p. 807; De Ruggiero, Diz. epigr. III, p. 252; P. Reynolds, The Vigiles of the Imperial Rome, 1926, p. 19; G. Weserer, RE XXIV, 1963; Id., Der kleine Pauly IV, 1972, p. 1307; Lex. der Antike II, 1965, p. 2500; otherwise Madvig, p. 482; P. Willems, Droit, p. 307, note 6.
- ⁶ Petr. c. 15; CIL III, 489 (Emona), 3836 (Aquileia); V, 1883 = D 1939 (Concordia); 4449 (Brixia); IX, 5070, 5072, 5083 (Interamna Praetuttiorum), 5276 (Trientum); X, 1081 (Nuceria Alfaterra); XI, 1355 (Luna).
- ⁷ Eg., ed. Teubneriana 1972, p. 15.
- ⁸ Apparatus criticus.
- ⁹ Varro 5.83; 5.16:18-20 (*ouls*); Fest. 37:15-16; 519:18 (Cato) L; Forcellini III, 382; IV, 458.
- ¹⁰ Hirschfeld, p. 85; v. Premerstein, p. 237; Mommsen, p. XIII, note 1.
- ¹¹ Dig. 21.1.32: concerns the development after emperor Claudius.
- ¹² Cf. pages 1-2.
- ¹³ Leipzig 1885, pp. 174-178.
- ¹⁴ CIL VI, 2219-2220.
- ¹⁵ RE IX, 1914, 690-92.
- ¹⁶ Richmond, The City Wall of Imperial Rome, 1930, pp. 241 ff.
- ¹⁷ Huelsen, Aventinus, Aventinensis pagus (RE II, 1896, pp. 2282-4; CIL VI, 1231 = 31517).
- ¹⁸ v. Premerstein, p. 235, who considers Aventine an independent pagus. Evan T. Sage's view (Loeb, Livy XI, p. 259) that there were two col-leagues of *V-viri*, is impossible.

- ¹⁹Mommsen II, p. 611, note 1.
- ²⁰G. Lugli, Monumenti III, pp. 620-29.
- ²¹Liv. 39.14.20; cf. on similar events in 213 (Liv. 25.1).
- ²²Lugli, op.c., pp. 630 ff.
- ²³Id., p. 664; P. Gauckler, Le sanctuaire Syrien au Janicule, 1912, pp. 5-9; P. Darier, Les fouilles du Janicule a Rome, 1920, pp. 1 ff.; G. Nicole & P. Darier, Le Sanctuaire des dieux Orientaux au Ianicule, 1909, Pl. III, pp. 27 ff.
- ²⁴CIL VI, 32316 and 422.
- ²⁵Liv. 39.12.4; 39.13.12.
- ²⁶Id. 3.13.10 (461); 8.14.5-7 (338); 26.34.5-10 (210).
- ²⁷T.Castagnoli, Topografia, p. 58.
- ²⁸Mommsen, RSt. II³, pp. 611 f.; Id., Strafrecht, p. 299; v. Premerstein, pp. 236 f.; G. Wesener, pp. 162 f.
- ²⁹Liv. per. 11; v. Premerstein, p. 234.
- ³⁰Cf. my forthcoming article on *III-viri* (in preparation).
- ³¹Münzer, RE VIII, 1913, p. 2467 f.
- ³²RE VIII A, 1958, 2480 Bleicken; RE XVIII, 1942, pp. 2323 f.
- ³³Cic., Acad. prior. 2.136; Hor. sat. 2.5.55; Mommsen, RSt II³, p. 612.
- ³⁴v. Premerstein, p. 239; CIL VI, 32317; Petronius 15; Wesener, p. 116.
- ³⁵Mommsen, RSt II³, p. 612.
- ³⁶v. Premerstein, p. 237; Mommsen, RSt II³, p. 611: basing on Cic. Acad. prior. 2.136.
- ³⁷Id., p. 239; CIL VI, 2313 = 4847; cf., however, Henzen ad Waltzing I, p. 405 f.