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## The *lex Metilia fullonibus dicta* and the Production and Trade of *creta Sarda*

**ABSTRACT:** A new interpretation for the context of the *lex Metilia* (220) and the censorial involvement in the approval is offered. The regulation was approved at that time due to the recent conquest of Sardinia, from where one of the main detergents employed by fullers was imported. The censors' intervention is connected to the administration of *vectigalia*: either some *fullonicae* in Rome were public property (or placed on public land), or, more probably, the Republic obtained revenue from quarries of fuller's earth in Sardinia.

**Keywords:** Roman Republic, 3<sup>rd</sup> century B. C., censors, fullers, Sardinia, public revenues.

In the thirty-fifth book of the *Naturalis Historia*, Pliny mentions an otherwise completely unknown piece of Roman legislation, the *lex Metilia fullonibus dicta*. The naturalist alludes to this law without providing much information about its content or context. Nonetheless, a number of scholars have generated theories about the extent of the *lex Metilia* and the political milieu that led to its approval. The *lex* is referred to in a catalogue of the Cimolian *cretae* employed by fullers:

*Est et alius Cimoliae usus in vestibus. Nam Sarda quae adfertur e Sardinia, candidis tantum adsumitur, inutilis versicoloribus, et est vilissima omnium Cimoliae generum; pretiosior Umbrica et quam vocant saxum. Proprietas saxi quod crescit in macerando; itaque pondere emitur, illa mensura. Umbrica non nisi poliendis vestibus adsumitur. Neque enim pigebit hanc quoque partem adtingere, cum lex Metilia extet fullonibus dicta, quam C. Flaminius L. Aemilius censores dedere ad populum ferendam. Adeo omnia maioribus curae fuere. Ergo ordo hic est: primum abluitur vestis Sarda, dein sulphure suffitur, mox desquamatur Cimolia quae est coloris veri. Fucatus enim deprehenditur nigrescitque et funditur sulphure, veros autem et pretiosos colores emollit Cimolia et quodam nitore exhilarat contristatos sulphure. Candidis vestibus saxum utilius a sulphure, inimicum coloribus.<sup>1</sup>*

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All dates in this paper are B. C. unless otherwise stated.

1 Plin. *Nat.* 35.196–198. “Another use also made of Cimolus earth is in regard to cloth. The kind called Sarda, which is brought from Sardinia, is only used for white fabrics, and is of no use for cloths of various colours; it is the cheapest of all the Cimolus kinds; more valuable are the Umbrian and the one called ‘rock’. The peculiarity of the latter is that it increases in size when it is steeped in liquid; consequently it is sold by weight,

The excerpt belongs to a book devoted to minerals, within a section dealing with medicinal uses of earths.<sup>2</sup> Upon summarizing the medical value of the *cretae Cimoliae*, Pliny discusses their application in cloth fulling, which is also attested in other literary sources.<sup>3</sup> He records multiple varieties used for this purpose: the Sardinian (*creta Sarda*), Umbrian (*Umbrica*) and the so-called *saxum*. Finally, the mysterious *lex Metilia* is mentioned, and the process of fulling described.<sup>4</sup> Taking into consideration the characteristics of the earths Pliny lists, *creta Sarda* has been identified with calcium montmorillonite and *saxum* with some kind of bentonite (both commonly called “fuller’s earth”), whereas the *Umbrica*, which only provided lustre, seems to be a kaolinite (its crystals adhere to the cloth making it whiter).<sup>5</sup>

A major interest of the *lex Metilia*, however, is the role of the censors Gaius Flaminius and Lucius Aemilius (220–219) in its approval. This involvement might explain why the law bears the epithet *dicta*,<sup>6</sup> even though it cannot technically be labelled as a censorial law: its name reports that another magistrate called Metilius was responsible for putting it before the assembly. This apparent incongruence is explained by the censors’ inability to summon a popular vote (*ius agendi cum populo aut plebe*).<sup>7</sup> Since no consul named Metilius exists for the required period, this collaborator had to be either a praetor,<sup>8</sup> or, as most scholars conclude, a tribune of the plebs, often identified with the one opposing Fabius Maximus in 217.<sup>9</sup> In this view, Marcus Metilius, a member of an anti-aristocratic faction alongside Flaminius (one of the proponents of the *lex Metilia* as censor, and consul in 217), would have elevated a previous *edictum censorium* to the category of *lex*, therefore contradicting Pliny’s dating.<sup>10</sup> Other scholars have even proposed that M. Me-

whereas Umbrian is sold by measure. Umbrian earth is only employed for giving lustre to cloths. It will not be out of place to touch on this part of the subject also, as a Metilian law referring to fullers still stands. The law which Gaius Flaminius and Lucius Aemilius as censors put forward to be carried in parliament: so careful about everything were our ancestors. The process then is this: the cloth is first washed with earth of Sardinia, and then it is fumigated with sulphur, and afterwards scoured with Cimolian earth provided that the dye is fast; if it is coloured with bad dye it is detected and turns black and its colour is spread by the action of the sulphur; whereas genuine and valuable colours are softened and brightened up with a sort of brilliance by Cimolian earth when they have been made sombre by the sulphur. The ‘rock’ kind is more serviceable for white garments, after the application of sulphur, but it is very detrimental to colour.” (Trans. H. Rackham, Loeb CL, 1952).

- 2 The passage extends from Plin. *Nat.* 35.191.
- 3 Plautus refers to the *creta* of the white toga (Plaut. *Aul.* 718), and to the use of this earth for cleaning (Plaut. *Poen.* 969). See also Plin. *Nat.* 17.46; Mart. 6.93.9. For the Cimolian earth coming from the island of Cimolos in particular, cf. Ov. *Met.* 7.463; Str. 10.5.1. The whiteness of the *toga candida* is also related to the use of *creta* (Pers. 5.177; Isid. *Etym.* 19.24.6).
- 4 A process corroborated by representations in *fullonicae* from Pompeii (Forbes 1964, p. 84). For the craft of fullers, cf. Bradley 2002; Flohr 2003; Wilson 2003; Flohr 2013.
- 5 Robertson 1949, p. 52; Robertson 1986, pp. 52 ff.
- 6 Càssola 1962, p. 214 and, against, Vishnia 1987, p. 533; Casinos Mora 2015, p. 220 n. 519). For a comprehensive synthesis, cf. Vallocchia 2000, pp. 345 ff.
- 7 Against this mainstream opinion, see Cancelli 1957, pp. 34 ff. (supported by Var. *Ling.* 6.86–93).
- 8 Càssola 1962, p. 214.
- 9 Liv. 22.25.3–4; Plut. *Fab.* 8–9. Editors correct Livy’s text, as the manuscripts render the name Metellus.
- 10 Willems 1878, pp. 343 f.; Bostford 1909, p. 338; Rotondi 1912, p. 252; Piganiol 1927, p. 233; Savio 1940, p. 176; Scullard 1951, p. 48 n. 3; Bleicken 1955, p. 32; Fraccaro 1956, pp. 477 f.; Bottiglieri 2002, pp. 67 f. (she considers that the activity of the censors could extend beyond 219); Casinos Mora 2015, p. 215.

tilius held the tribunate twice, in 220–219 and then again in 217, although such iteration is unparalleled in this period.<sup>11</sup> I believe it more reasonable that two different Metilii, perhaps sharing some kinship, held the office in two different years.<sup>12</sup>

In this paper, I shall review the various explanations of earlier scholarship to the role of the censors in the *lex Metilia*, and I will suggest another context for this censorial intervention. First of all, I link this *lex* with the recent conquest of Sardinia, from where the *creta Sarda* originated. Secondly, I propose a so far unconsidered censorial jurisdiction as a justification for their involvement, namely the oversight of public leases. I suggest that the political significance of the law was negligible and that its main purpose was economic. Nonetheless, this demonstrates the keenness of Roman authorities on controlling provincial resources already in the late 3<sup>rd</sup> century.

## I. State of the question

### a) The censors and the *cura morum*

The objectives and political context of the *lex Metilia* have been a steady source of debate. The proponents of its dating to the year 217 additionally adhere to the principle that it was, in spirit, a sumptuary law.<sup>13</sup> The argument is based on Pliny's assertion that the *creta Umbrica*, which was more expensive than the *Sarda* variety, "is only employed for giving lustre to cloths".<sup>14</sup> Hence, the *lex Metilia* would impede the overuse of a costly type of *creta* and impose cheaper fuller's earths for most of the process. The measure would have been approved in the Second Punic War, when expenses were forcibly reduced and morality scrutinized, and the involvement of Flaminius is explained by his recognizable role as champion of the plebs.<sup>15</sup>

Nevertheless, more recent scholarship has concluded that the association of Gaius Flaminius in the approval of the *lex Metilia* has wrongfully facilitated its categorization as a program to harm the elites. The latest publications usually concur in dating it to 220–219 (the chronology Pliny gives) and refute its characterization as sumptuary.<sup>16</sup> In fact, Flaminius is never assigned a role as its leading promoter, let alone the only one.

11 Lange 1867, p. 670; Niccolini 1934, p. 91. Hinted by Münzer 1932.

12 Càssola 1962, p. 214; Vishnia 1987, pp. 528 f.; Wallinga 1996; Vallocchia 2000, p. 350.

13 Lange 1867, p. 670; Bostford 1909, p. 338; Rotondi 1912, p. 252; Frank 1933, p. 72 f.; Savio 1940, p. 176; Bleicken 1955, p. 32; Sauerwein 1970, pp. 36 ff.; Clemente 1981, p. 4; Baltrusch 1989, pp. 50 ff.; Uscatescu 1994, pp. 156 f.; Bottiglieri 2002, pp. 67 f., 80; Dari-Mattiacci, Plisecka 2012, p. 10; Casinos Mora 2015, pp. 222 f. Even Càssola shares this perspective (Càssola 1962, p. 214). It is implied in Piganiol 1927, p. 239; De Martino 1979, p. 41. More cautious, Zanda 2011, pp. 113 f. See also Elster 2003, p. 204; Aubert 2004, pp. 168 f.

14 Plin. *Nat.* 35.197.

15 Even though his main measure, the colonization of the Picenum and the *ager Gallicus*, favoured the rural plebs, and the *lex Metilia* had an urban dimension. See above, n. 13, and Vishnia 1987, p. 528 n. 3; Vallocchia 2000, p. 353.

16 Vishnia 1987, pp. 527 f. (n. 3 for bibliography); Wallinga 1996, pp. 183 ff.; Vallocchia 2000, pp. 349 ff.; Becker 2022, pp. 287 ff.

His colleague Lucius Aemilius, a patrician unconnected to Flaminius' social agenda, appears to have endorsed the law too.<sup>17</sup> Furthermore, the limitations on the use of *creta Umbrica* did not emanate from the purpose of reducing expenses, but from its chemical properties. Kaolinite makes cloth whiter, but is useless for a comprehensive washing. No sensible fuller would try to treat garments exclusively with Umbrian earth, because you simply would not be cleaning them.

The Roman catalogues of *leges sumptuariae* are usually limited to *leges cibariae*, which affected expenditure in private feasts and dinners,<sup>18</sup> yet scholars have interpreted the rule as part of a program that tackled excessive luxury by establishing a common dress code in public.<sup>19</sup> A parallel would be the *lex Oppia* passed in 215, which prevented women from dressing in multi-coloured clothes, amongst other things.<sup>20</sup> Despite never being explicitly referred to as a sumptuary law, it is consistently associated to *sumptus* and described as *lex Oppia ad coercendam luxuriam*.<sup>21</sup>

But some elements make the two laws quite different. The *lex Oppia* was famously revoked in 195, whilst the *lex Metilia* was apparently still in force in Pliny's lifetime: *cum extet*. When the naturalist uses the verb *exto* applied to laws, it is not always clear whether he refers to the ordinances themselves or just to their content,<sup>22</sup> but scholars usually accept that the *lex Metilia* had indeed not been overruled by the Flavian period.<sup>23</sup> This distances the *lex Metilia* from the Oppian law and most other sumptuary regulations, which seem to have been systematically flouted.

Neither do the contexts in which the laws would have been conceived match. The *lex Oppia* was promulgated in 215, amidst the harshest wartime, alongside other regulations meant to be revoked if the situation improved.<sup>24</sup> Rome was in shambles and a broad plan was designed to supply the exhausted treasury with private resources.<sup>25</sup> In Livy's narrative, the aftermath of Cannae (216–215) constitutes the recognition of the enormous

17 Vishnia 1987, p. 534; Wallinga 1996, p. 184. Other aspects of Flaminius' censorial activity are linked exclusively to him, such as the construction of the *via Flaminia* and the *circus Flaminius* (Liv. Per. 20.17; Fest. 89 M; Cassiod. Chron. 337).

18 Gell. 2.24.1–15; Macrob. Sat. 3.17.2–14. For Caesar's and Augustus' laws: Cic. Att. 13.7.1; Cic. Fam. 7.26.2; Tac. Ann. 3.52; Suet. Iul. 43.2; Suet. Aug. 34.1. See also Gell. 20.1.23. Censors did not take part in these laws, but they had jurisdiction on the matter (Plin. Nat. 8.209; 8.223; 36.4).

19 Dari-Mattiacci, Plisecka, 2012, p. 196.

20 Liv. 34.1.3. See also Val. Max. 9.1.3; Tac. Ann. 3.33.4; 3.34.4; Aur. Vic. Vir. Illust. 47.6.

21 Liv. 34.4.6, and 34.3.9; 34.4.1; 34.4.10; 34.4.18.

22 A decree of Pompey forbidding carrying weapons in Rome (Plin. Nat. 34.139), an Augustan edict regarding the exploitation of the Leucogaeus hills (18.114) and a law concerning gold mines in northern Italy (33.78) could have remained in force, but it is unsure if the censorial prohibitions to eat dormice (36.4) were observed too. Dormice were raised in farms in the Julio-Claudian period (Var. Rust. 3.15.1–2; Petron. 31.10), but the prohibition could have remained in force under certain conditions.

23 See now Becker 2022, p. 287 for the judiciary implications of this maintenance (particularly Cic. Rep. 5.3).

24 Liv. 34.5.5; 34.6.6–16; 34.7.1.

25 Liv. 22.57.11; 23.21.5; 23.31.1; 23.48.10–11; 24.18.10–15 (a general summary in Liv. 34.6.11–18). Slaves were recruited, provincial governors resorted to local *socii* to gather the means formerly provided by the senate, a double *tributum* was imposed on citizens, the publicans offered generous terms for the public contracts, and when the censors in the next year struggled to finance their usual activities, individuals spontaneously contributed according to their wealth.

danger by the Roman society in its darkest hour, and the formation of a civic consensus that would eventually reverse the situation. In the opening years of the war (218–216) just the opposite is displayed: the divisive and self-destructive political environment that would lead to havoc in Trasimene and Cannae, perfectly embodied by Flaminius.<sup>26</sup> Even the collaboration of Metilius (tr. pl. 217), with Flaminius is improbable: all his known activities took place after the death of the latter in Trasimene, and Flaminius spent his entire tenure outside Rome, unable to drive any legislative initiatives.<sup>27</sup>

Moreover, this law was an industrial ordinance solely affecting fullers, whilst the *lex Oppia* and the sumptuary legislation were generally directed at consumers.<sup>28</sup> Finally, we find no censorial involvement in the *lex Oppia*: no censors were in office when it was enacted, and its abrogation was put forward by a tribune and opposed by a consul. In conclusion, no unequivocal parallels can be drawn between the Oppian and Metilian laws, and there is no strong reason to doubt Pliny's chronology of the latter.

An original approach to the sumptuary nature of the *lex Metilia* was put forward by Wallinga. He interpreted the method of fulling described by Pliny and reasonably concluded that the law affected exclusively white textiles.<sup>29</sup> One of the characteristics of the *creta Sarda* is that it *candidis tantus admittitur, inutilis versicoloribus*, whilst *saxum* as well is *candidis vestibus utilius a sulphure, inimicum coloribus*. Even the main feature of the *creta Umbrica* was to give lustre or whiteness to clothes after cleaning them, whereas sulphur seems closely related to bleaching too.<sup>30</sup> The only product cited in the law useful for colour clothes is the *creta Cimolia*, but its function was precisely to correct the damage provoked by the sulphur on the colourful segments (and the dye needed to be of good quality). As such, Wallinga believed that the *lex Metilia* would concern only white garments, and specifically one: the toga.<sup>31</sup> The provisions for fast-dyed fabrics scoured with Cimolian earth are understood by Wallinga as a corruption in Pliny's text, and the clause would intend to ensure that when washing *togae praetextae* with this method, they had their purple stripes fast-dyed.<sup>32</sup>

The norm would have differed from common sumptuary laws since it did not aim to impede excessive expenditure, but it would establish certain standardization in the aristocratic dressing code, a homogeneous whiteness.<sup>33</sup> However, whilst it is convincing that the washing process could be carried out only on white or fast-dyed fabrics, the

26 Liv. 21.63.1–15.

27 See the precedent note for Flaminius' assumption of consular office in Ariminum. He would die months later in the battle of Lake Trasimene. For Metilius, cf. Liv. 22.25.3.

28 Vishnia 1987, pp. 530 f.; Vallocchia 2000, pp. 356 ff.; Becker 2022, pp. 292 f.

29 Plin. *Nat.* 35.196–198. Wallinga 1996, pp. 185 f.

30 Apul. *Met.* 9.24.2. Another purpose of sulphuring was to soften wooden clothes: Plin. *Nat.* 35.175; Flohr 2013, pp. 117 f. For the *Umbrica*, Robertson 1949, p. 52.

31 Wallinga 1996, pp. 186 ff.

32 Plin. *Nat.* 198. Bad dye (*fucatus*) would bleach, blacken or fade. Even high class dye deteriorated with each laundering: Petron. 30.11; Mart. 10.11.6.

33 Wallinga 1996, pp. 188 ff.

interpretation is too restrictive.<sup>34</sup> Pliny does not employ the word *toga*, but rather the generic *vestes*, synonymous with *vestimenta*, which is consistently used when addressing fulling activities.<sup>35</sup> Many fabrics were fundamentally or exclusively uncoloured, and fullers probably treated all of them with the same method.

Linking the *lex Metilia* to the censorial duties relating the *cura morum* raises more questions than it solves. Ascribing it to the Second Punic War contradicts Pliny's text, while its comparison to the *lex Oppia* seems misleading and unfortunate. Moreover, we should not automatically assume that it only concerned aristocratic behaviour: it could have been a widespread industrial ordinance.

## b) Broader censorial activity

Alternative interpretations that have sought to dissociate the *lex Metilia* from sumptuary legislation have been propounded. Some of these have seen the *lex Metilia* as a broad code on fulling activity, of which we would only have a partial knowledge.<sup>36</sup> In this section, two such proposals are discussed: one connecting the law to the use of public water, and the other to the handling of fulleries' waste.

According to the former, the *lex Metilia* regulated the use that fullers made of water from public aqueducts.<sup>37</sup> This is supported by a note on the consumption of *aqua caduca* (i. e. water overflowing the cisterns or troughs) during the Republican period. This water *non in alium usum quam in balnearum aut fullonicarum dabatur, eratque vectigalis, statuta mercede quae in publicum penderetur*.<sup>38</sup> It is a well-established notion that censors had jurisdiction over water provision, and they were the preferred magistrates in charge of the concession and sale of water.<sup>39</sup> Vishnia postulated that, through the Metilian law, the access of fulleries to the *aqua caduca* and the fee due for its consumption was regulated, and that both the *lex Metilia* and the ordinance documented by Frontinus are, in fact, the same law.<sup>40</sup>

34 Becker 2022, pp. 285 ff. Livy asserts that no limitations were imposed on the whiteness of the *togae* at his time (Liv. 4.25.13–14), which clashes with Pliny's claim *cum extet* regarding the Metilian law.

35 Plin. Nat. 35.198. For the use of *vestmentum* see Var. Ling. 6.43; Sen. Nat. 1.3.2, Non. 483 M (Titinius); Gai. Inst. 3.143, 3.162, 3.205; D. 47.2.83.pr. (Paul. Sent. 2.31.29); 12.7.2 (Ulp. 32 ad ed.); 14.3.5.10 (Ulp. 28 ad ed.); 19.2.13.6 (Ulp. 32 ad ed.); 19.2.25.8 (Gai. 10 ad ed. prov.); 19.2.31 (Alf. 5 epit.); 19.2.60.2 (Lab. 5 Iavol. epit.); 47.2.12.pr. (Ulp. 29 ad Sab.); CIL II, 5181 = ILS 689 (Vipasca). The only case of the word referring to the toga in this sense might be Plaut. Aul. 718 (but it is the verb *vestio* which is employed).

36 For example, an old theory understood the law as a regulation imposed on a *collegium fullonum* (Liebenam 1890, p. 14), but this proposal has garnered no support thereafter (Waltzing 1895, pp. 84, 183; De Robertis 1971, pp. 154 ff.; Vallocchia 2000, pp. 358 ff.).

37 Vishnia 1987, pp. 533 f.

38 Frontin. Aq. 2.94. "... was not granted for any other use than for baths or fulling establishments; and it was subject to a tax, for a fee was fixed, to be paid into the public treasury." (Trans. C. E. Bennet, Loeb CL, 1925).

39 Frontin. Aq. 2.95.

40 Vishnia 1987, p. 533.

Fullers certainly consumed copious amounts of water, and their profession was consequently subject to dispositions regarding its supply.<sup>41</sup> However, there are some remarkable contrasts between these two statutes. Although both Pliny and Frontinus admire the legislative genius of foregone Roman lawmakers,<sup>42</sup> Pliny's praise relies on the long continuity of the law, whereas Frontinus denounces the loss of ancient values. Actually, the latter's introduction to his norm indicates that it was no longer in force:

*In quibus dum altius repeto leges de singulis datas, quaedam apud veteres aliter observata inveni<o>.*<sup>43</sup>

The word *aliter* denotes that the legislation had been overruled.<sup>44</sup> Vishnia justified Pliny's obscure treatment of the *lex Metilia* by arguing that, since the law was observed in his own time, "he probably assumed that his readers were familiar with its provisions".<sup>45</sup> The contrast with Frontinus' commentary is striking: he needed to research antique laws (*altius repeto*), to discover (*invenio*) their content. Even though there is some interval between the two treatises,<sup>46</sup> the abrogation of the *lex Metilia* during this lapse is unlikely and, in any case, the imperial legislation that invalidated the earlier conventions on water use apparently dated back to Augustus.<sup>47</sup> Frontinus does not mention any imperial prescription specifically affecting fulleries, yet this does not imply the persistence of old Republican custom: fullers' access to water was at his time similar to that of other private users.<sup>48</sup>

Pliny refers to fullers throughout his treatise on multiple occasions. He notes the use of *creta fullonia* as a component of a particular fertilizer or the esteem of fullers for Peli-gnian flax. More interestingly, several references are found to the use in fulleries of wild teasel, urine and sulphur.<sup>49</sup> All these points are evoked before the *lex Metilia*, which is actually included in the last allusion to fulling in Pliny's vast work, a strange disposition if the law encompassed various aspects of its procedure. If the objective of the regulation had been to ensure the correct use of water or the assurance of hygiene standards, one would have expected a digression on it in sections dealing with urine or sulphur, rather than fuller's earths.

41 Traditionally, fullers have been identified in the *collegium aquae* recorded in *CIL VI*, 10298, although they are not attested in the preserved section of the document. For water use by fullers, see Bradley 2002, pp. 33 ff.; Wilson 2003, p. 444. It was used primarily for rinsing (Flohr 2013, pp. 104 f.).

42 Vishnia 1987, pp. 533 f. Plin. *Nat.* 35.197; Frontin. *Aq.* 2.95.

43 Frontin. *Aq.* 2.94. "Regarding this, when researching ancient laws on particular *persons*, I find that our ancestors observed certain rules different from ours." I follow Rodgers' edition here (CUP, 2004).

44 Vallocchia 2000, p. 363. Interestingly, Vishnia acknowledges the importance of Pliny's remarks regarding the continuity of the *lex Metilia* (Vishnia 1987, p. 530).

45 Vishnia 1987, p. 530.

46 The *Naturalis Historia* was written under Vespasian's reign, whereas Frontinus published his book shortly after holding the *cura aquarum* in A. D. 98: Rodgers 2004, pp. 5 ff.

47 Frontin. *Aq.* 2.98.

48 Frontinus addresses private users indistinctively: Frontin. *Aq.* 2.98; 103; 105; 107; 111 (public baths alone had certain prerogatives). Vishnia 1987, p. 534. The increasing liberalization of water under Roman emperors might have been a consequence of the construction of new aqueducts (Vallocchia 2000, pp. 363 ff.). See also Vitruvius 8.6.2 for the revenues from private use of public sources of water.

49 Plin. *Nat.* 16.244; 17.46; 19.13; 24.111; 27.92; 28.66; 28.91; 28.174; 35.175. Other less remarkable allusions to fullers in 7.196; 34.11; 35.143.

A similar observation may be raised in relation to a second interpretation, which saw the law as a means of protecting the environment from the waste of fulleries.<sup>50</sup> Fulling unquestionably generated abundant pollution, in the form of bad odours and, perhaps more seriously, dirty water.<sup>51</sup> In the middle Republic, the city of Rome was undergoing dramatic growth, but the sewage system always lagged behind.<sup>52</sup> Furthermore, late Republican jurists were indeed concerned about the management of the waste of fulleries.<sup>53</sup> According to Vallocchia, the *lex Metilia* might have compelled craftsmen to discharge the polluted waters they generated into specific places like sewers or cesspits.<sup>54</sup> But it is too hazardous to conclude from Pliny's text alone that the Metilian law dealt with anything beyond fuller's earths. It would have made little sense to insert the digression on the law at this specific point, especially since some of the most polluting materials employed in the process, namely urine and sulphur again, had been addressed previously.

### c) A commercial regulation

The latest interpretation of the *lex Metilia* is offered by Becker, who concludes that its motivation was to establish the method for washing every type of cloth, but fullers would pick the stages of the sequence that suited each fabric.<sup>55</sup> As certain materials were detrimental to low quality dyes and others to all forms of coloured cloth, the law would specify a proper use of them, thereby making accountable the fullers who ignored the indications and negligently damaged garments. Against this point, I have already agreed with Wallinga that the law affected white clothes, and exceptionally fast-dyed ones. Most coloured garments could not be washed with the materials that formed the core of the prescriptions, so it is more likely that the *lex Metilia* concerned exclusively white fabrics and those dyed with high-quality materials.

Becker parallels her proposal with other legislation intended to protect clients from the abuses of craftsmen.<sup>56</sup> Earlier in the 3<sup>rd</sup> century the *lex Aquilia* had begun to impose responsibilities on the damage of alien property as well,<sup>57</sup> so it appears plausible that

50 Vallocchia 2000, pp. 373 ff.; Bravo Bosch 2019.

51 Bradley 2002; Flohr 2013, pp. 184 ff.

52 Several neighbourhoods lacked proper sewers before Cato's censorship: Liv. 39.44.5. Vallocchia 2000, pp. 374 f.

53 *D.* 39.3.3.pr. Trebatius' text deals with rural fullers, though.

54 Vallocchia 2000, p. 376. The presence of cesspits may be confirmed in Liv. 39.44.5, and perhaps in Juv. 6.603, yet the word used (*lacus*), could have another meaning.

55 Becker 2022.

56 Plin. *Nat.* 36.176 (slaked lime); Vitruv. 7.5.8; Plin. *Nat.* 35.30; 35.44 (pigments). Becker 2022, pp. 302 ff. The later regulation indicated that certain pigments had to be paid by the patron, thus exempting the painter. Becker argues that this was due to the potential misuse of these products, but both Vitruvius and Pliny explicitly mention their high value as the only reason for the practice.

57 Although the *lex Aquilia* originally typified only the damage on property in absence of contracts (*D.* 9.2.2.1, Gai. 7 *ad ed. prov.*), which is not applicable to fullers and their customers.



the *lex Metilia* envisaged the establishment of a proper process of fulling, so that fullers could be scrutinized if their treatment deteriorated the garment.<sup>58</sup>

This interpretation is convincing vis-à-vis the possible motivations of the law, even if it only concerned white garments. However, it does not justify the involvement of censors. Becker tries to overcome this problem by ascribing to Roman censors a broad jurisdiction in economic regulation, to which the *lex Metilia* would belong. She mentions some measures taken by censors that would reinforce this view: price limitations to expensive wines in 89, the establishment of a salt tax in 204, and the creation of customs duties in some Italian towns in 199.<sup>59</sup> But all these dispositions can be related to prominent fields of censorial activity.

The latter two arrangements clearly pertain to the management of public revenues, a common censorial responsibility. In 204 a new *vectigal* was introduced, which censors leased with the likely motivation of increasing public income. Likewise, the censors in 199 auctioned the *portoria* of Capua, Puteoli and Castrum, similarly to what happened in 179.<sup>60</sup> Livy narrates these events only because this was the first time that those particular taxes were collected by Rome.<sup>61</sup> The territories of Capua and Puteoli, and probably of the elsewhere unattested Castrum, had been expropriated due to their defection in support of Hannibal. Their customs had hitherto been collected autonomously, as was customary among Roman allies, but once they were stripped of their rights, Rome took over their assets and incomes.

In the case of the wine price decree of 89 a link with the *cura morum* is plausible. The censorial edict established *ne quis vinum Graecum, Aminnumque octonis aeris singula quadrantalia venderet*.<sup>62</sup> Some *leges cibariae* limited the expenses allowed in festivities.<sup>63</sup> However, this stipulation affected the sale, not the consumption, although it was certainly designed to disincentivize the whole commercialization of specific wines. It was probably not meant to stay in place for long,<sup>64</sup> and we know that the censors of 89 imposed further commercial restraints, including a prohibition on the sale of exotic scents.<sup>65</sup> The

58 Fullers were legally liable for the clothes that were entrusted to them (Becker 2022, pp. 300 f.).

59 Respectively in Plin. *Nat.* 14.95; Liv. 29.37.3; Liv. 32.7.3. Becker 2022, pp. 288 f. The minting of coinage by the censors in the 3<sup>rd</sup> century is also cited, but this is uncertain (Crawford 1974, pp. 42–43) and it could be linked to payments to public contractors (Bernard 2018, pp. 155 ff.).

60 Liv. 40.51.8.

61 De Laet 1949, pp. 55 ff.

62 Plin. *Nat.* 14.95. “That Greek and Aminnean wine should not be sold at a higher price than 8 asses per quadrans.” For the translation of *aes*, cf. *TLL* s. v. *aes* III, 1. Frank proposed reading *singulos quartarios*, approaching the limitation to the real market value (Frank 1931, but see Plin. *Nat.* 18.17). The measure did probably not intend to fix prices, but rather to prevent the consumption of costly wines.

63 Gell. 2.24; Macrob. *Sat.* 3.17.2–14 (a law forbade foreign wines during the *ludi Megalenses*: Gell. 2.24.2). The measure of 89 is also labelled as sumptuary by Purcell 1985, p. 18.

64 Varro complains about the omnipresence of Greek wine in Italy in his time (Var. *Rust.* 2.pr.3).

65 Plin. *Nat.* 13.24.

context of the edicts is key to understanding their objective: with the Social War at its peak, it made sense to curtail superfluous outlay.<sup>66</sup>

In conclusion, while this is an appealing reading of the motivation underpinning the *lex Metilia*, it still does not explain the involvement of the censors.

## II. The content and context of the *lex Metilia*

At this point, we should take a closer look at the major issues: what did the *lex Metilia* actually regulate? Why did it last for so long? What was the context around its approval in Flaminius' and Aemilius' censorship? Finally, why were the censors involved?

For the first two questions, my position is quite similar to that of some other scholars. The *lex Metilia* was probably a guideline for the washing process (*ordo*) and for the proper use of the different fuller's earths. This seems the best solution to the otherwise cryptic manner in which Pliny introduces it.<sup>67</sup> The longevity of the ordinance can therefore be explained essentially by its utility: the instructions it outlined turned out to be very efficient. This makes it difficult to categorize it among the sumptuary laws, as it was not designed to curtail consumption or obstruct the development of an industry, but rather to refine its core processes.<sup>68</sup> In the following pages, new interpretations regarding the historical background of the law and the reason behind the censorial involvement will be put forward. For the former, I suggest that the chronological proximity to the conquest of Sardinia (a process roughly spanning between 237–225) could indicate that the law was somehow related to the introduction of *creta Sarda* into the Roman market. For the latter, I advocate a link with the censorial jurisdiction of the administration of revenues, more specifically with the presence of fulleries in public buildings or soil, or rather with the existence of state owned fuller's earth pits in Sardinia.

### a) The context of its approval: the conquest of Sardinia

The *lex Metilia* was approved in the censorship of 220–219, prior to the Second Punic War, chronologically close to the Roman conquest and provincialization of Sardinia. The commercial implications of the law are considerable, as it regulated the use of products such as *creta Sarda*, sulphur, Cimolian earth, *saxum* and *Umbrica*.<sup>69</sup> *Cimolia* is arguably a rather generic term referring to fuller's earths in general and did not necessarily come

66 In his commentary for the Budé edition, André suggests that the objective was to thwart the export of precious metals from Rome. This makes sense in the debt crisis happening at the time, coinciding as well with a peak in Roman coin production: Kay 2014, pp. 243 ff.

67 The advocates of the identification of the *lex Metilia* as a sumptuary law agree with this point too (Suolahti 1963, p. 303; Flohr 2013, p. 117).

68 Vallocchia 2000, p. 372.

69 Plin. *Nat.* 35.197–198.

from the Aegean island of Kimolos.<sup>70</sup> The geographical origins of the *saxum* variant are not clear,<sup>71</sup> but the rest of the components mentioned are more easily identified. Sulphur was unearthed in multiple locations during the Roman Republic and early Principate: the Aeolian Islands (mainly Lipari), Melos and Campania.<sup>72</sup> Both the names of the *creta Umbrica* and the *creta Sarda* are suggestive enough to acknowledge their origin, and in the case of the latter Pliny confirms it: *Sarda quae adfertur e Sardinia*.<sup>73</sup>

It is striking that Roman craftsmen imported materials from Campania, Umbria and, most importantly, Sardinia.<sup>74</sup> Roman trading networks in the latter are particularly fascinating since safe commerce could not have been operational in Sardinia until shortly before the enacting of the *lex Metilia*. The territory had been introduced to the Roman sphere in 237, following the uprising of the mercenaries at Carthage's service stationed there.<sup>75</sup> At that early stage, however, economic exploitation of the newly acquired region would have been hardly realistic. In the following years, the Romans faced a lengthy series of conflicts against Sardinians and Corsicans (this latter group settled in northern Sardinia too), which required the constant presence of one or even both consuls, at least until 231–230.<sup>76</sup> Even as late as in 225, a consul was sent again to Sardinia on yet another campaign, suggesting that the island still evaded full Roman control.<sup>77</sup> By this date, an eminent administrative milestone had taken place, in the senatorial decision to double the number of praetors in 227, effectively establishing the provinces of Sicily and Sardinia.<sup>78</sup> This governmental innovation probably enabled a more solid control of the area and its economic resources. The passing of the *lex Metilia*, barely fifteen years after the Romans set foot on the island and less than a decade since its provincialization, reflects that *creta Sarda* was quickly recognized as a key component for fulling at Rome.

The presence of Roman traders on the island even before this troublesome period is unlikely too. As Sardinia had previously been under Carthaginian control, transactions involving Roman businessmen would have been virtually unfeasible throughout the prolonged First Punic War. Earlier, the clauses in the treaties between Rome and Carthage would not have facilitated Roman trade in Sardinia. In the first treaty, signed

70 Plin. *Nat.* 35.195–196.

71 It might have been extracted in the island of Ponza (Robertson 1986, p. 56).

72 Plin. *Nat.* 35.174 (see also 18.114); Dioscor. 5.107.1.

73 Plin. *Nat.* 35.196.

74 Sardinia is a major producer of bentonite. Unfortunately, its exploitation under Rome is only mentioned by Pliny and, perhaps, Cassius Felix, who records a *terra Sarda* (Cass. Fel. 16.2).

75 Plb. 1.88.8–12. Polybius is quite critical regarding the Roman decision to intervene in Sardinia. Another version more sympathetic to Roman policy was eventually developed: Ampel. 46.2; Eutr. 3.2.1; Aur. Vict. *Vir. Illust.* 4.1.2; Oros. *Hist.* 4.11.2; already perceptible in Liv. 22.54.11; Dio F 43.22 (Boissevain). Dubuisson 1979; Carey 1996; Ameling 2001. For the mercenary war, cf. Hoyos 2000.

76 Zon. 8.18.7–14. *Fasti triumph.* 519; 520; 521; 523. See also Liv. 23.34.15; Liv. *Per.* 20.4; Eutr. 3.3.1. For some particular events, see Val. Max. 6.3.3; Dio F 45 (Boissevain); Amm. Marc. 14.11.32 (the disastrous campaign of Claudius Clineas); Cic. *Nat. deor.* 3.52; Fest. 146 M; Val. Max. 3.6.5; Plin. *Nat.* 15.126 (on the campaign of C. Papirius Maso). Symptomatically, Velleius Paterculus confers the achievement of conquering Sardinia to T. Manlius Torquatus, who fought there in 235 (Vell. 2.38.2). Meloni 1990, pp. 43 ff.

77 Plb. 2.23.6; 2.27.1; Zon. 8.19.10. Coincidentally, 225 was the year of the censorship preceding that of 220. The hostilities in Sardinia might have hindered any censorial surveillance in the province that year.

78 Liv. *Per.* 20.7; Solin. 5.1.

in 509, Romans were permitted the conduction of commercial activities under certain conditions and strict supervision of Carthaginian bureaucracy.<sup>79</sup> However, the situation radically changed with the second treaty, usually dated to 348, which imposed new constraints that practically expelled Roman traders from Sardinia:

Ἐν Σαρδόνι καὶ Λιβύῃ μηδεὶς Ῥωμαίων μῆτ' ἐμπορευέσθω μῆτε πόλιν κτιζέτω, ... εἰ μὴ ἕως τοῦ ἐφόδια λαβεῖν ἢ πλοῖον ἐπισκευάσαι. Ἐὰν δὲ χειμῶν κατενέγκῃ, ἐν πένθ' ἡμέραις ἀποτρεχέτω.<sup>80</sup>

The commercial implications appear obvious, as it completely banned Romans from conducting any trade in the island.<sup>81</sup> Hence, by the time the *lex Metilia* was submitted, we may conclude that Romans had been undertaking commercial relationships with Sardinia for a very short period, maybe less than a decade, and that prior to that, Roman traders had been absent from the territory. Furthermore, due to the hostilities between Rome and Carthage in the mid-third century, Punic businessmen had been equally barred from Rome for the preceding fifty years, meaning that imports from Sardinia were altogether suspended, at least by official channels. In this context, it would seem that the *creta Sarda* was by 220 a relatively new commodity in the Roman market and therefore susceptible to being regulated. The fact that it was the cheapest of the varieties of fuller's earths (*vilissima omnium Cimoliae generum*), made it naturally attractive to craftsmen, even if it was only useful for white clothes. Perhaps Roman fullers needed some sort of guidance when the *creta Sarda* was introduced to the *Urbs*, as it had not been at their disposal before. Roman lawmakers would ensure that the new material was employed in the most optimized way, by establishing a complete directive whereby the *creta Sarda* could be added to the fulling sequence, thus reducing costs, but restricting its use to white garments or those dyed with high quality pigments. It is even possible that the *lex Metilia* was actually a reform of an earlier law regulating the fulling process, although this is just a hypothesis: in this case, the Roman administrators in 220 would have simply added a new element, the Sardinian fuller's earth, to an already pre-existing process.<sup>82</sup>

79 Plb. 3.22.9. The same conditions were applied for transactions in African territory, whereas in Sicily the situation was more liberal. For the treaties between Rome and Carthage see Walbank 1957, pp. 337 ff.; Scardigli 1991. This treaty, signed between an emerging Carthaginian power and the newborn Roman Republic, might be one of the pacts evoked in Arist. *Pol.* 3.9.6.

80 Plb. 3.24.11. "No Roman shall trade or found a city in Sardinia and Libya nor remain in a Sardinian or Libyan post longer than is required for taking in provisions or repairing his ship. If he be driven there by stress of weather, he shall depart within five days." (Trans. W. R. Paton revised, Loeb CL, 2010). Diodorus and Livy date a treaty between the two cities in the year 348 (Diod. 16.69.1; Liv. 7.27.2).

81 The Punic zeal to control western Mediterranean navigation is quite visible in this treaty (Walbank 1957, p. 347). In this aspect, cf. Str. 17.1.9.

82 If there had been another previous law that basically defined the same process, the original regulation could correspond to Becker's theory on the legislative context and purpose of that law (Becker 2022).

b) The censors and the *vectigalia* I: state-owned fulleries

Explaining the economic rationale of the law, however, still leaves the question of the censors' involvement. *Leges censoriae* were typically established by censors in relation to their own responsibilities, and they often concerned public contracts. The binding conditions created in this way normally expired with the contracts they allocated, so they were seldom introduced to assemblies.<sup>83</sup> In fact, the *lex Metilia fullonibus dicta* seems the only case in which censors were the principal sponsors of a law in the assembly, and this unique feature might have been due to the desire of Flaminius and Aemilius to ensure its continuity after their censorship.<sup>84</sup> As we have seen, it is unlikely that the *lex Metilia* belonged to the jurisdiction of the *cura morum*, but it is reasonable to look for a connection between the law and public contracts. However, it needs to be specified what contracts this legislation would affect.

One obvious candidate would be the *fullonicae* themselves. Fulling licenses were granted by the administration, and some fulleries in the Roman world might have been publicly owned and leased to contractors. The leasing of either actual fulleries, or the right to conduct fulling activity, would very probably have been granted with certain attached conditions, which might have included instructions on the method that fullers should follow. For instance, in the so-called *lex metalli Vipascensis* (dating to the Antonine period) clauses regarding the different trades within a mining district are listed, and one concerns fulleries. It is specified that fullers needed to obtain the lease (*locatio*) or authorization (*permissio*) to conduct their profession from either the contractor or his partner or agent (*conductor socius actorve eius*). Thus, the system was based on sub-leasing: a publican acquired the right to full in the area of Vipasca, and subsequently allocated it to actual fullers.<sup>85</sup> Similarly, the late Republican *lex collegii aquae* might have dictated that fullers paid a fee to the treasury for the use of two basins.<sup>86</sup> More interestingly, several wax tablets from the archive of Caecilius Jucundus register payments for a *fullonica* made to the city of Pompeii. Four of these transfers corresponding to consecutive years are preserved (A. D. 58–60), always amounting to the same figure (1652 sesterces), which suggests that they were performed on an annual basis. Jucundus allocated one or multiple fulleries for a five-year period, despite the unfortunate loss of the last annuity's receipt.<sup>87</sup>

There is further evidence to suggest that the situation reflected in the tablets from Pompeii is not isolated. An euergetic act of the Augustan period in the city of Telesia

83 Rotondi 1912, p. 8; Berger 1953, s. vv. *leges censoriae; leges dictae*. The census was conducted according to a *lex censui censendo dicta* as well (Liv. 43.14-5).

84 Vishnia 1987, p. 533.

85 CIL II, 5181 = ILS 6891, l. 43–45. Domergue 1983, pp. 89 f.

86 CIL VI, 10298, l. 14. However, as aforementioned (cf. above, n. 41) fullers are not explicitly attested in the inscription, so the clause might correspond to some other guild.

87 CIL IV, 3340.141–144. Andreau 1974, pp. 54 ff. It is true that *fullonica* here could refer to a tax that fullers paid (making Jucundus a tax farmer), but the most literal and straightforward interpretation is that the colony owned fulling establishments that it leased: Andreau 1974, pp. 69 f. (with further bibliography).

records the construction of *lanariae* that subsequently rendered an income (*vectigal*) to the city.<sup>88</sup> Similar activity regarding fulleries is also recorded for Évreux in the 2<sup>nd</sup> century A. D.<sup>89</sup> Earlier, in Republican Arpinum, a public inscription attests public works that affected the *fullonicae*, probably indicating they were public buildings.<sup>90</sup>

Unfortunately, we do not have any evidence that documents an analogous procedure at Rome. The *lex Metilia* itself and other arrangements such as those recorded by Frontinus demonstrate that fullers were subjected to various legal constraints, but nothing is stated about the property of the establishments. It is possible, however, that publicly owned fulleries existed, although not explicitly named. *Aedificia* were part of a comprehensive list of public assets that could be rented, assigned or sold, and the space around the Roman *fora* was normally leased to obtain public revenues. We also know that some *tabernae* were built *in solo publico*, which entailed the public ownership of the buildings.<sup>91</sup> This assignation of the areas surrounding public squares definitely originated in the Republic, when monumental works were often conducted on hitherto private ground.<sup>92</sup> Certain *tabernae* and market places were owned by the city even before the Second Punic War, as it is implied by Livy's account of the fire that broke out in the Forum in 210:

*Eodem tempore septem tabernae quae postea quinque, et argentariae quae nunc novae appellantur, arsere; comprehensa postea privata aedificia – neque enim tum basilicae errant – comprehensae lautumiae forumque piscatorium et atrium regium.*<sup>93</sup>

Livy makes a clear differentiation between *tabernae* (both the *septem tabernae* and the *argentariae*), and the private buildings, thus implying that the former were public property.<sup>94</sup> The *tabernae novae* mentioned in the text were probably erected by the aediles on public soil too.<sup>95</sup> Further censorial activities in the ensuing decades emphasized this practice: in 179 the censors constructed a fish market encircled by *tabernae* built with public funds (although they were immediately afterwards sold), and the next censors (in 174) built *tabernae* around the public squares of colonies throughout Italy.<sup>96</sup>

88 *CIL IX*, 2226 = *ILS 5595*.

89 *CIL XIII*, 3302 = *ILS 5594*. Deniaux 1990. A fragmentary inscription from Africa might also link some fulleries to public property: *AE 2006*, 1763.

90 *CIL X*, 5682 = *CIL I*, 1539 = *ILS 5593* = *ILLRP 547* (dated to the 2<sup>nd</sup>-1<sup>st</sup> century). Frank 1940, p. 202. The city of Arpinum was an important textile centre in this period (Coarelli 1996, pp. 200 ff.).

91 *Cic. Agr.* 2.38; 3.7 (and the epigraphic *lex agraria*: *CIL I*, 585); *Vitr.* 5.1.2 (it is not clear whether Vitruvius refers to the *tabernae* around the forum or space rented to watch spectacles); *D.* 18.1.32 (*Ulp. 44 ad Sab.*). See also Russell 2016, pp. 77 ff.

92 The *Basilica Porcia* (in 184) and the *Basilica Sempronia* (in 169) were constructed on land that the censors purchased from private owners: *Liv.* 39.44.7; 44.16.10–11.

93 *Liv.* 26.27.2–3. "At the very same time seven shops (which later became five) and the bankers' establishments now called the 'New Banks' all went up in flames. After that, private houses caught fire – there were no basilicas there then – as did the Lautumiae, the Fish Market and the Royal Atrium." (Trans. J. C. Yardley, Loeb *CL*, 2020).

94 This is confirmed when the censors auctioned the reconstruction of the burnt spaces the following year: *Liv.* 27.11.16.

95 *Fest.* 230 M. The reference in *Festus* is too lacunose to be sure, though.

96 *Liv.* 40.51.5; 41.27.10–12.

The existence of public *tabernae* is an important phenomenon since many *fullonicae* were located in that kind of shops,<sup>97</sup> so some of the establishments leased or sold by censors might have been fulleries. For most of the late Republic public *tabernae* were occupied mainly by bankers, but some of them had previously been butcheries.<sup>98</sup> Plenty of other activities were conducted in those places: in 219 the first physician in Rome was assigned a public *taberna*.<sup>99</sup> If there were fulleries among the shops rented or sold by public officials, it would not be surprising that regulations on their activities, like those appearing in the *lex Metilia*, were included in the contracts. Censorial rules affecting lessees' activities can be found, for example, in relation to the mines of Victumulae:

*Extat lex censoria Victumularum aurifodinae in Vercellensi agro, qua cavebatur, ne plus quinque milia hominum in opere publicani haberent.*<sup>100</sup>

This censorial law, most likely of Republican date, and which just as the *lex Metilia* still existed in Pliny's time (*extat*), established conditions on how a public asset was exploited, apparently a matter unrelated to the payment of the rent itself. In a similar way, the Customs Law of Asia details specifications on the nature of the buildings that could be used for collecting the *portorium* in the province, again affecting activities of tax-farmers that had no apparent relationship with revenue collection itself. Precise regulations of this kind were also followed by the contractors of the baths of Vipasca.<sup>101</sup> Censorial dispositions could therefore be quite intrusive in terms of the industrial operations of the holders of public contracts.

Thus, there were public assets at Rome that were leased to private contractors, including some *tabernae*. It is also certain that fullers did rent public spaces in Rome, as this is recorded in the famous *lis fullonum*. Even if the inscription is dated to the 3<sup>rd</sup> century A. D., the situation described (the rent exemption of a location used for religious purposes) dates back to the Augustan period, if not earlier. The dispute might have arisen following the fullers' commercial usage of a fountain in the area under litigation.<sup>102</sup>

Censors could impose stipulations that affected the proceedings of industries on public soil. We may analyze the *lex Metilia* within such a context. In fact, the censorship of 220–219 witnessed intense building activity, notably the construction of the *via Flaminia* and the *circus Flaminius*.<sup>103</sup> Contrary to traditional interpretations, Wiseman noticed decades ago that the *circus Flaminius* was likely not a structure devoted, at least

97 Flohr 2013, p. 188.

98 Non. 532 M.

99 Plin. *Nat.* 29.12.

100 Plin. *Nat.* 33.78. "There is extant a ruling of the censors relating to the gold mines of Victumulae in the territory of Vercellae which prohibited the farmers of public revenues from having more than 5000 men engaged in the work." (Trans. H. Rackham, Loeb CL, 1952). The prohibition might have been intended to reduce the slave population of the region (Andreau 1989, pp. 107 f.).

101 *Mon. Ephes.* ll. 29–40; *CIL* II, 5181 = *ILS* 6891, ll. 19–31.

102 *CIL* VI, 266. De Robertis 1982; Tran 2007. Against Tran's rejection of the commercial use of the fountain, cf. Flohr 2013, p. 152.

103 *Liv. Per.* 20.17; *Fest.* 89 M; Cassiod. *Chron.* 337.

exclusively, to races and spectacles like the *circus Maximus*,<sup>104</sup> but rather an open square comparable to the Forum which also housed shops, some of them possibly public assets, which could have included fulleries. There are references to various activities in the *circus Flaminius*, and the area was filled with temples and other structures, as the recurrent description *in circo Flaminio* demonstrates.<sup>105</sup> The games organized in honour of the gods present around the circus were possibly held in the area too, but people would have attended them in removable wooden structures or even standing.<sup>106</sup> The circus had a political significance too, as it was the location of two important popular votes in 449,<sup>107</sup> and later, it was commonly used for holding *contiones* or delivering funerary *laudationes*, and it had a role in triumphal parades.<sup>108</sup> Thus, the *circus Flaminius* was, physically, just a wide multifunctional square surrounded by buildings. It was an excellent place for organizing any sort of events involving large crowds, including (although not exclusively) spectacles. Its characterization as a circus might be an allusion to the circular shape of the plaza.<sup>109</sup>

Unsurprisingly, lively economic activity is documented in the *circus Flaminius* as well: the market (*nundinarum panegyris*) was held there,<sup>110</sup> and the presence of specific trades such as money changers, cup makers and bronzesmiths is documented.<sup>111</sup> Many of

- 104 Wiseman 1974 pp. 3 f. The sole certain exception was the *ludi Taurii*, which were celebrated only every five years and had to be performed outside the pomerium, since they were organized in honour of the underworld gods (Var. *Ling.* 5.154; *Fasti Ostien.* 899). Wiseman also properly refuted the idea, based on two quotes of Valerius Maximus, that the *ludi Plebei* were performed in the *circus Flaminius*: Wiseman 1976; Val. Max. 1.7.4 (compare to Cic. *Div.* 1.55; Liv. 2.36.1; Macrob. *Sat.* 1.11.3); 4.4.8. Occasional celebrations (Liv. 40.52.4; Dio 55.10.8) did not require more than ad hoc wooden structures. In fact, there were no permanent theatres at Rome until the erection of Pompey's (Manuwald 2011, pp. 55 ff. and see Ter. *Hec.* 39–42). Some events of the Secular Games were later placed *in theatro quod est in circo Flaminio*, but this is a reference to the theatre of Marcellus (*CIL* VI, 32323).
- 105 Wiseman 1974, pp. 5 ff.; Triebel-Schubert 1983; Coarelli 1997, pp. 375 f.; *LTUR* s. v. *Circus Flaminius*. The formula *in circo Flaminio* occurs even before Augustus gave the name *Circus Flaminius* to the *Regio IX*, which encompassed most of the *campus Martius*.
- 106 Manuwald 2011, pp. 57 f. One of the first attempts to erect a theatre building was in connection to the temple of Apollo in the *circus Flaminius* (Liv. 40.51.3). This confirms that there were not permanent seats in the area.
- 107 Liv. 3.54.15; 3.67.7 (compare to Var. *Ling.* 5.154).
- 108 For the *contiones*, cf. Cic. *Att.* 1.14.1; *red. sen.* 13; 17; *Sest.* 33 (and possibly Cic. *Planc.* 55 too); Liv. 27.21.1; Plut. *Marc.* 27.3. For the triumph, cf. Liv. 39.5.17; Plut. *Luc.* 37.2; Joseph. *B. Iud.* 7.5.4 (the *porticus Octaviae* was in the circus). See also Sen. *Ben.* 5.16.5. The *laudationes* of Drusus were pronounced in the Forum and the *circus Flaminius* (Dio 55.2.2). Wiseman 1974, p. 4; *LTUR* s. v. *Circus Flaminius*. In the *contiones* people were standing, not seated (Cic. *Flacc.* 16; Pina Polo 1989, pp. 89 f.). See also Triebel-Schubert 1983, pp. 39 f.; Coarelli 1997, pp. 372 ff.
- 109 Non. 20 M; 432 M. *TLL* s. v. *circus*. Wiseman 1974, pp. 4 ff. Coarelli argued that the name was given because its shape was similar to the *circus Maximus*, but he accepted the idea that the *circus Flaminius* was a square: Coarelli 1997, p. 365. In the *Forma Urbis* the name *circus Flaminius* is written on a square alongside the theatre of Marcellus (Filippi, Liverani 2015). This might imply the reduction of the space, at Severan times, by the continuous architectural additions made in the area.
- 110 Cic. *Att.* 1.14.1. Holleran 2012, pp. 186 f. See also Hor. *Sat.* 1.6.112–115.
- 111 *CIL* VI, 9713 = *ILS* 7511 (money changer); Mart. 12.74.2 (drinking cups); Bucovală 1972, pp. 121 ff. (bronzesmith). The trading function of the place could have been emphasized in the High Empire, as grain distributions were performed nearby (Zevi 2007, p. 370). A sundial, a typical feature of market places, was also erected in the site (Vitr. 9.8.1).



the structures that enclosed the circus were temples, but others appear to have been *tabernae* and, just like in the Forum, some of those shops were likely either public leases or built on public land, which would naturally generate revenues to the city and justify the involvement of censors. In fact, when dealing with the etymology of the *circus Flaminius*, Plutarch does not resort to the games that were organized in the area (which is further evidence to the inexistence of such events), but rather to an unidentified ancient owner called Flaminius. This man had donated the domain to Rome, thereby providing the city with a revenue later used for arranging horse races and building the *via Flaminia*.<sup>112</sup> The reference might allude to the urban arrangements undertaken by the censors of 220, which could have comprised the privatization or lease of the area surrounding the circus. Even though arguably just speculative, it is thus possible that fulleries were among the establishments that occupied this space. Interestingly, a notable and old sewer (the Cloaca dell'Olmo) traversed the *circus Flaminius*, making the contiguous space an exceptionally convenient location for fulling.<sup>113</sup>

### c) The censors and the *vectigalia* II: the quarries of *creta Sarda*

Albeit hypothetical, it is conceivable that fulleries were set up on public land at Rome, and that censors would have thereby sought to impose conditions on the public contracts on them. However, it is unclear why they would have resorted to a tribune for that, instead of simply issuing a censorial law renewable with every contract.<sup>114</sup> Another theory relating to the *vectigalia* could be proposed, which connects the *lex Metilia* with the censorial activity in a more nuanced way: the *creta Sarda* might have been extracted in quarries under Roman state property. Such a solution would explain the censors' interest in regulating the use of Sardinian earth, which generated an income,<sup>115</sup> as well as the necessity to have a tribune introducing it, as the law would affect public contracts only collaterally. The role of *societates publicanorum* and the general level of Rome's administrative complexity before the Second Punic War is a controversial topic, so in the following paragraphs I will lay out the reasons why the presence of publicans in Sardinia engaged in the extraction of fuller's earth is a reasonable scenario.

First of all, we should consider the role of the *societates publicanorum* in the period between the first two Punic wars, an unfortunately very poorly documented period. Nevertheless, a number of ancient references hint at the prominence of publican com-

112 Plut. *Mor.* 280a (*Quaest. Rom.* 66).

113 Tucci 1993, pp. 235 ff. As the evidence from Pompeii demonstrates, some *fullonicae* required very limited infrastructure: it appears that rinsing could be done in some nearby public fountain outside the fulleries, which often did not have direct access to the water network. Flohr 2013, pp. 150 ff.

114 The *Monumentum Ephesenum* shows that the censorial *lex portorii Asiae* was the product of additions of clauses for generations, and this matches the practice evoked in the censorial law of the mines in Victumulae mentioned above (Plin. *Nat.* 33.78).

115 Remember that the censorship of 220–219 was particularly active in construction programs that required financial investment (Astin 1990, p. 32).

panies before the Second Punic War. Polybius' digression on the Roman constitution, for example, notably recalls the major role of censorial contracts and publicans in the overall economy.<sup>116</sup> Walbank assumed that this panorama is valuable only for the middle 2<sup>nd</sup> century, but this seems too limited, considering the large construction projects of the 3<sup>rd</sup> century. Moreover, Polybius himself explicitly claims to be describing the Roman framework in 215 and the particularities that enabled the city to overcome Hannibal's invasion and rapidly emerge as the hegemonic superpower.<sup>117</sup> There are various references to publicans engaged in the collection of customs duties (*portorium*), grazing rights (*scriptura*), or the censorial auctions of new *vectigalia* in the immediate aftermath of the Second Punic War.<sup>118</sup> Finally, the well-known episode of the three companies that took over the duty of supplying the Roman army in Spain in 215 confirms the impressive financial capacity of publican societies in this period. The difficulties endured by the treasury provoked the introduction of special clauses to the contract:

*Prodeundum in contionem Fulvio praetori esse, indicandas populo publicas necessitates cohortando-  
sque qui redempturis auxissent patrimonia ut rei publicae, ex qua crevissent, tempus commodarent,  
conducerentque ea lege praebenda quae ad exercitum Hispaniensem opus essent, ut cum pecunia in  
aerario esset, iis primis solveretur.*<sup>119</sup>

The provisions demanded by the army in Spain included clothing, grain and materials for the navy.<sup>120</sup> It is unclear whether the contractors were indeed engaged in the acquisition of grain,<sup>121</sup> but their involvement in furnishing horses, clothing or weapons to the army is universally accepted, as well as their role as shippers.<sup>122</sup> In addition, the whole picture highlights the influence of the publicans: they had amassed sufficient resources to maintain an entire army overseas, and were even able to impose favourable conditions and assurances on the Roman state.<sup>123</sup> Their political sway is visible again two years later, when some of them were accused of fraud. The senate carefully opted to ignore the evidence and refused to conduct an inquiry. In the end, the offenders were condemned because, after the tribunes had launched an independent prosecution, the publicans in-

116 Plb. 6.17.2–6.

117 Plb. 6.11.2. Walbank 1957, pp. 692 ff. (but cf. Bernard 2018, pp. 131 ff. and 154 ff.).

118 Plaut. *Asin.* 159; 241; *Men.* 117; *Trin.* 794; 810; 1107 (*portorium*); *Truc.* 141–151 (*scriptura*). Apparently, both taxes were very ancient (Liv. 2.9.6; Plin. *Nat.* 18.11). For the new *vectigalia* after the Second Punic War, Liv. 32.7.3. These duties were probably collected by local communities beforehand, and confiscated by the Roman Republic following its victory over the allies that had defected to Hannibal. Therefore, the anecdote actually confirms the preexisting system of leasing the *portoria* to publicans. Astin 1990, p. 24.

119 Liv. 23.48.10–11. “The praetor Fulvius, they decided, should go before the public assembly and make clear to the people the needs of the state; he was then to urge those who had increased their personal wealth through public contracts to grant the state (which was responsible for their increased wealth) extra time for repayment and to take on contracts for supplying all essential materials for the army in Spain, the contracts being issued on the understanding that the contractors would be the first paid when there was money in the treasury.” (Trans. J. C. Yardley, Loeb CL, 2020).

120 Liv. 23.48.4–5.

121 In favour, Badian 1972, pp. 16 f.; against, Erdkamp 1995, pp. 169 ff. (followed by Vervaeet, *Nāco del Hoyo* 2007, pp. 41 ff.).

122 Erdkamp 1995, p. 171.

123 Liv. 23.49.1–4.

stigated a violent boycott in the assembly, stirring the ruling class against them.<sup>124</sup> Some characteristics of the infamous saga, notably the tumult in the assembly, have raised suspicions of anachronism.<sup>125</sup> Whatever minor inaccuracies in Livy's text (regarding the trial, not the contract), I find Shaw's recent paper convincing in its depiction of the growing prominence of the publican companies between the First and Second Punic War: the conflicts against Carthage required huge amounts of resources that inevitably provoked an equivalent increase in the size of *societates publicanorum* engaged in providing and transporting commodities to the army.<sup>126</sup>

Another element that reinforces this position is the approval of the *plebiscitum Claudianum* in 219–218, which prevented senators and their sons from owning vessels with a capacity larger than 300 amphorae.<sup>127</sup> Several scholars have emphasized that this measure was not intended to ban trade to the *patres*, as they could and did resort to chartering ships or using some other freight service.<sup>128</sup> Its objective would rather have been to deter senators from personally benefitting from public contracts in the first overseas territories.<sup>129</sup> This interpretation finds confirmation in subsequent references to the ban in the *lex Iulia repetundarum*, which tackled the profit-motive itself and is juxtaposed to another prohibition on collecting public revenues or undertaking other public contracts.<sup>130</sup> Although the date of the latter remains obscure, it might predate the *plebiscitum Claudianum*, as no senator is known to have acted as tax-farmer or big public contractor later. In any case, the plebiscite effectively eased the concentration of transport duties in the hands of equestrian publicans, which again corroborates both their advanced level of financial and logistical capacities prior to the Second Punic War, and the overall trend of legislating on public revenues in this period.

To sum up, by the time the *lex Metilia* was approved, the *societates publicanorum* were sizable enough to undertake all sorts of contracts. They almost certainly collected *vectigalia* in Italy, including *portoria* and the *scriptura*. Similar activities in the provinces are less noticeable, but the companies in charge of the supply of the armies or the transport of revenues (such as tax grain) were regularly present overseas, and this experience could have provided an entry point for Roman investors. Contractors (*redemptores*) were in charge of cereal provision, or at least its shipping, for Cato's army in Spain.<sup>131</sup> The system was probably the same in Sardinia, where Roman entrepreneurs were not

124 Liv. 25.3.10–4.11.

125 Badian 1972, pp. 17 ff. Erdkamp goes further to dismiss the whole story, which he believes comes from an unreliable tradition (Erdkamp 1995, pp. 170 f.), but this seems too radical (cf. Shaw 2022, p. 88, n. 26).

126 Shaw 2022, pp. 87 ff.

127 Liv. 21.63.3–4.

128 Shatzman 1975, pp. 100 f.; Gabba 1981, p. 556; Clemente 1983, p. 255; Bringmann 2003, pp. 314 ff.; Tchernia 2007, p. 254. For particular examples, see *Cat. Agr. praef.*3; *Plut. Cat. mai.* 21.6 (Cato); *Cic. Verr.* II 1.91 (Malleolus).

129 Clemente 1983, pp. 257 f. Zevi connects the law to the transportation of tax grain from Sicily (Zevi 1994, p. 64, later developed by Tchernia 2007), and Bringmann contextualizes it in the transportation contracts taking place at the beginning of the Second Punic War (Bringmann 2003, pp. 318 ff.).

130 *Paul. Sent.* 5.28a.3; *D.* 50.5.3 (Scaev. 3 Reg.). Tchernia 2007, pp. 259 f.; Prag 2016. Senators could bid for a few minor contracts (*Ascon.* 93 C; *Dio* 55.10.5).

131 Liv. 34.9.12. For the meaning of *redemptores*, Erdkamp 1995, pp. 170 f.; Mateo 1999, pp. 45 f.

uncommon: Cato himself had, as its governor, expelled moneylenders (*faeneratores*) from the province.<sup>132</sup>

In Sicily and Sardinia the Roman administration had been collecting revenues virtually since their conquest.<sup>133</sup> In the ensuing centuries, the main tax in the two provinces was the agrarian tithe, which did not require the involvement of Roman publicans, as local tax-farmers collected it.<sup>134</sup> But publicans were actually engaged in other taxes following censorial auction in Cicero's time, including customs duties (*portoria*),<sup>135</sup> the *scriptura* and the rents emanating from the *ager publicus*.<sup>136</sup> For earlier periods, our sources are unfortunately more fragmentary, but the presence of publicans in Sicily can be inferred: P. Rupilius, before suppressing the slave-revolt in Sicily as consul in 132, had worked for the publicans in a customs office in that same province.<sup>137</sup> This could be dated around 150, thus suggesting that publican companies were involved in collecting taxes in the provinces even before the Gracchan reforms, and the most reasonable scenario is that they had been doing so since the occupation of those territories and the institution of revenue-collection.

In Sardinia, an extraordinary text confirms the presence of publicans. A trilingual (Latin, Greek and Punic) Republican inscription contains an offering by a slave working for a *societas salariorum*, i. e. a company in charge of salt production.<sup>138</sup> The exact date of the inscription is unclear: while it was initially dated to the early 2<sup>nd</sup> century (ca. 180), this was later questioned, and the document was instead ascribed to the 1<sup>st</sup> century.<sup>139</sup> However, more recently the arguments for such a correction have been contested, as the palaeography of the Punic text suggests that it was inscribed in the first half of the 2<sup>nd</sup> century.<sup>140</sup> The exploitations conducted by this *societas* were probably located in nearby Caralis, where the largest salt pans in the province were located.<sup>141</sup> This was the seat of the provincial administration in the Republic, and its community was a consistent and reliable ally of Rome, so there is no clear point at which the Roman administration might have confiscated its assets after the seizure of the island itself, and it seems convincing that it inherited them directly from the former Carthaginian government. Therefore, the document indicates the presence of publicans in Sardinia at a rather early stage, which gives an appropriate parallel for similar activities affecting fuller's earth quarries. Remarkably, salt was not especially valuable: in Italy its price was kept afford-

132 Liv. 32.27.3.

133 Liv. 23.48.7; App. Sic. 2.2.

134 This is clear for Sicily as showed throughout the Ciceronian *De frumento*: see e.g. Cic. *Verr.* II 3.149. Although the same method is not explicitly mentioned for Sardinia, it could not differ much, as Roman administrative structures in both provinces developed in parallel (Liv. 36.2.12–13; 37.2.12; 37.50.9–10; 42.31.8).

135 Cic. *Verr.* II 2.1171–176; 2.182–186; *D.* 50.16.203 (Alf. 7 *Dig.*). Puglisi 2010.

136 Cic. *Verr.* II 2.169; 2.171 (*scriptura*); 3.13; 5.53 (*ager publicus*).

137 Val. Max. 6.9.8. See also a slightly different version in Ps. Ascon. *Verr.* II 2.32 (264 Stangl).

138 *CIL* X, 7856 = *CIL* I<sup>2</sup>, 2226 = *ILS* 1874 = *ILLRP* 41 (the Latin text); *IG* XIV, 608 (the Greek text) *CIS* I, 143 (the Punic text).

139 Culasso Gastaldi 2000; Pennacchietti 2002.

140 Llamazares Martín 2020.

141 Ghiotto 2008. See also *AE* 1924, 122.

ably low by law, which did not, in any case, discourage publicans from bidding for its production and commercialization.<sup>142</sup> The salt obtained in Caralis, which was not famous in antiquity, was in all likelihood destined for local or regional consumption. The overseas transportation of such an inexpensive commodity would have been economically counter-productive, so we may conclude that the Roman censors auctioned its production mainly for the sake of procuring revenue. Conversely, *creta Sarda*, which was comparatively less expensive than other fuller's earths, was nonetheless a noteworthy merchandise exported to Italy and markets beyond.<sup>143</sup> If Roman investors considered the exploitation of Sardinian saltpans lucrative enough to be worth bidding for, despite the low value of its produce, they would have more willingly invest in the quarries of a unique product such as the *creta Sarda*, whose demand was wider.

The presence of publicans in Sardinia at this time and their interest in *creta Sarda* quarries is therefore plausible. On the other hand, the Roman state owned mines and quarries throughout its territories, which were not restricted to gold, silver or salt production.<sup>144</sup> We have little direct evidence for the management of the quarries of fuller's earth in Sardinia or elsewhere, but Gaius states that *cretifodinae* (i. e. *creta* pits) were indeed contracted by publicans.<sup>145</sup> While this might be a rather late source, he employs the term *publicanus* to address contractors of the Roman treasury, not the *fiscus*, meaning that these quarries were possibly already public assets under the Republic.<sup>146</sup> This is actually the earliest occurrence for the term *cretifodina*, which is used only on a few other occasions by Ulpian and Paullus.<sup>147</sup> In fact, Gaius mentions the *cretifodinae* alongside saltpans (*salinae*) and mines (*metalla*), which were regularly under public control in the middle Republic. The term *cretifodina* appears more as a specification for a particular type of *fodina*, which is almost a synonym for *metallum* (mine). This seems corroborated by the fact that *cretifodinae* were legally treated in the same way as other mines.<sup>148</sup> We know as well that some deposits of *creta* were collectively owned, as the city of Naples did with the notorious *Leucogaesus collis*.<sup>149</sup>

142 Liv. 29.37.3–4; Dio F 57.70 (Boissovain). The text implies that there was a monopoly of salt commercialization (supposedly instituted in 508: Liv. 2.9.6). Cinnabar was regulated in a similar way too (Plin. Nat. 33.118). Romans also regarded public management of the saltpans of Ostia very ancient (Liv. 1.33.9; Dion. Hal. Ant. Rom. 2.55.5; Plin. Nat. 31.89; Plut. Rom. 25.4; Aur. Vic. Vir. Illust. 5.2), and the saltpans of Minturnae were indeed exploited by publicans (CIL I, 2691 = ILLRP 738; CIL I, 2693; CIL I, 2698 = ILLRP 734; CIL I, 2703 = ILLRP 743). Therefore, there were apparently two different activities auctioned at Rome: the production sites on the one hand, and the right to sell salt on the other (Cimma 1981, pp. 31 ff.; Giovannini 1985, pp. 379 f.; Traina 1992, pp. 372 f.).

143 Flohr 2013, pp. 171 f.

144 The Republic owned woods for pitch and timber in Bruttium (Cic. Brut. 85; Dion. Hal. Ant. Rom. 20.15.2), Cretan whetstone quarries (D. 39.4.15, Alf. 7 dig.), Pontic realgar mines (Str. 12.3.40), cinnabar mines in Spain (Plin. Nat. 33.118), and perhaps alum quarries in Lipara (Diod. 5.10.2). Cf. Hirt 2010, pp. 90 ff.

145 D. 39.4.13.pr. (Gai. 13 ed. prov.).

146 Gaius' use of the term *publicanus* is different to Ulpian's, which indicates that there was an evolution in the terminology in the period between the two: Mateo 1999, pp. 171 ff.

147 D. 7.1.13.5 (Ulp. 13 ad Sabin.), 24.3.7.14 (Ulp. 31 ad Sabin.), 27.9.3.6 (Ulp. 35 ad ed.), 50.16.77 (Paul. 49 ad ed.).

148 See previous note. For the use of *metallum* for non metallic productions see TLL s. v. *metallum*.

149 Plin. Nat. 18.11.4. Augustus rented it to Naples to obtain a chalk used in the elaboration of alica.

Fuller's earth reserves are found across Sardinia, yet it is likely that just a few mines were operative in classical antiquity, and the largest are located in the central region of Sarcidano.<sup>150</sup> In the scenario proposed, the Roman administration would have seized these Sardinian earth pits during the conquest, perhaps assuming a position previously held by Carthage. After the Roman pacification of the island and the regularization of the provincial government in the 220s, the censors of 220–219 would have been the first to auction the quarries of *creta Sarda*: as already mentioned, the institution of new *vectigalia* (such as *portoria* or the salt tax) was a common censorial practice in this period.<sup>151</sup> Moreover, censors sometimes cleverly optimized the economic yield of the revenues too. For instance, the Roman state designed a cautious method of collecting income from gold and silver mines, but imposed limits on production at specific times to avoid flooding the market with coin and thereby plummeting its value.<sup>152</sup>

The involvement of a tribune in the approval of the *lex Metilia* can be better understood if this law updated preceding ordinances regulating the fulling process. According to this perspective, the original directives, not necessarily driven by censors, could have had the features and objectives described by Becker, but obviously did not envisage the use of *creta Sarda*, which was still absent from the Roman market. When the censors in 220 auctioned out the contract of the newly acquired Sardinian *cretifodinae*, they might have realized that there existed legislation impeding the consumption of their output by fullers. They would have resorted to a tribune of the plebs to amend that regulation and adapt it to the new circumstances, as censors were incapable of legislating on that aspect. This reading, albeit hypothetical, would justify both the role of the censors and a tribune in the conception of the norm.

This reconstruction of the context behind the approval of the *lex Metilia* is in line with a reevaluation of the Roman Republic's administrative capabilities on the eve of the Second Punic War. Over the 3<sup>rd</sup> century, the ever-growing demands of the state, especially in military affairs, would have prompted an equally spectacular development of the *societates publicanorum* engaged in supply or shipping services. At the same time, other contractors profited enormously from massive building projects such as the construction of roads and aqueducts. It comes as no surprise that this period saw the emergence and rapid proliferation of Roman coinage, which was instrumental in the application of public contracts.<sup>153</sup> The censors were integral to this process, which explains their increasing interest in promoting policies that involved not only construction programmes, but also the administration of public revenues that funded them. The income

150 Robertson 1986, pp. 313 f.

151 The previous censorship in 225 (*Fasti Cap.* 529) had coincided with a consular campaign in Sardinia (Plb. 2.23.6; 2.27.1; Zon. 8.19.10), frustrating any potential lease of public assets in the island.

152 There are references to legal limitations to gold and silver extraction in Italy (Plin. *Nat.* 3.138; 33.78; 37.202) and the closure of Macedonian mines in the aftermath of Pydna (Diod. 31.10. Test. ex Syncello [Goukowsky]; Liv. 45.18.3–5), although they were reopened afterwards (Cassiod. *Chron.* 403). These limitations make sense if we combine them with the disruption created by the discovery of the gold mines around Aquileia (Str. 4.6.12), which provoked a dramatic fall in the value of money. Cf. Perelli 1975, pp. 410 f. (and also Nicolet 1971).

153 Bernard 2018 (especially pp. 157 f.).

of the *creta* pits of Sardinia would have been just one more of the many *vectigalia* that were created in this time, including the leases of many public assets (agricultural and grazing lands, ponds, rivers, mines, salt pans . . .), and customs-duties. There is no reason to doubt that such a phenomenon concerned Sicily and Sardinia as much as it did Italy, which sheds light on the nature of early economic exploitation at provincial level.

## Conclusions

The arguments exposed so far theorize that the *lex Metilia fullonibus dicta* was conceived by the censors of 220–219 as an instrument to regulate the fulling process, and that it was partly brought about by the need to incorporate a commodity thus far unused by Roman craftsmen, the *creta Sarda*. The measure turned out to be beneficial for all parties involved. On the one hand, the Roman treasury (a major concern for censors) would receive new income from the economic exploitation of the product, contracted by publicans. On the other hand, fullers rapidly acknowledged the validity of the new method, as costs were reduced and the whole process enhanced. Therefore, it is no wonder that the law persisted for so long, as it meticulously described the best way to leverage every detergent available in Rome. But the *lex Metilia* could not have been enacted before, when Sardinian produce was practically unavailable on the Roman market. The origins of the law can thus be found in the commercial relationship with Sardinia after its provincialization.

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