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**Waltzing on Roman Collegia Artificum *Étude historique
our les Corporations professionnelles chez les Romains
depuis les origines jusqu'à la chute de l'Empire d'
Occident*, par J. P. Waltzing. Tome I. Le droit d'
association à Rome. Les collèges professionnels
considérés comme associations privées. Charles
Peeters, Louvain. Pp. 525. 1895.**

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(p. 113), and to conclude that 'as a philosophical idealist who was also a great military leader, there is hardly a name, except perhaps that of Epaminondas, that we can place besides his' (p. 91) shows want of balance. Even the trite comparison with 'his hero-model, Marcus Aurelius'—the phrase palls with iteration (pp. 87, 102, 233)—is strangely misconceived; the life of Marcus was 'one of action' from the first (p. 91); at eighteen he became consul and Caesar; the five-and-twenty years during which he toiled at Imperial administration left upon Roman Law an impress that still abides; while his long Marcomannic Wars probably secured to the Western Empire two added centuries of independence. On the other hand not one fragment of the work of Julian outlived the hour of his death, except the Gallo-German frontier and the wrecks of the cause he loved, and did to death; his alienation of Christian Armenia and his eastern campaigns were portentous blunders, which could not be retrieved. 'The secret' of his eulogized success is traced finally to 'the possession of an iron will' (p. 114). Iron will lies deeper than mere physical courage and impetuosity of temper, and is remote from the restless neurotic personality of Julian; what of good metal was in him was mercury, not iron. There is no iron in the tinsel of his letters and orations, none in the acrid spleen of the *Misopogon* and *Caesars*, none

in the schoolboy pedantry of his manifestoes *To the Athenians* and *The Alexandrians*, none in the disputatious Rescript on Education. In the field of action 'iron will' does not lock itself up in bedrooms, and pray for a shooting star (see p. 136), while the legionaries are acclaiming 'Augustus'; nor does it carry on a duel for empire with irresolute parleyings at Sirmium, or inspecting entrails at Naissus. If it is liable to such weaker accesses of doubt or superstition, self-restraint at least forbids their publication to the world.

The relegation of Notes to the end of each separate chapter is an inconvenient arrangement; and proof-correction, which has left such blemishes as 'manifestatoes' (p. 152) and 'turn the machine into a blockade' (p. 148), seems hardly to have extended to proper names or Greek. Variants such as Rhaetia—Raetia, Allemanni—Alamanni, Osroene, Bathnae, Hieropolis, Magentius, Mentz, Cronica (= Κρόνια) are distressing, and the Greek scholar must face a shock at each new chapter heading. Perhaps p. 73 is the worst—with AUC for AUG, 'the Christian monogram between A and W' (!), ἀκραγμοσύνης κολιτρία καιδείαν in three successive lines, and seven misplaced or omitted accents. Even the accent of Χρίστος is depraved (p. 309): Greek should either be banished, or presented in scholarly dress and type.

GERALD H. RENDALL.

WALTZING ON ROMAN COLLEGIA ARTIFICUM.

Étude historique sur les Corporations professionnelles chez les Romains depuis les origines jusqu'à la chute de l'Empire d'Occident, par J. P. WALTZING. Tome I. *Le droit d'association à Rome. Les collèges professionnels considérés comme associations privées*. Charles Peeters, Louvain. Pp. 525. 1895.

ALTHOUGH it is impossible to ascribe finality to any work based on epigraphic evidence, it is yet possible to recognize where a nearly final analysis of one department of such evidence, so far as it has been collected, has been made. This is the character which we shall probably be willing to ascribe to Waltzing's work when it is finished; for, if the merit and completeness of the discussion be adequate to the scale

on which it has been undertaken—and from the specimen before us we have no doubt that it will be—the only function left to an inquirer into the nature of the Roman guilds will be that of conjecture, no doubt a valuable function but one from which the exigencies of his present task have compelled our author to abstain. If such a thing as over-sobriety be possible we may justly charge him with it. It is almost painful to see what a wealth of evidence is required to lead to attenuated, sometimes negative and always accurate conclusions, how manfully the attractions of analogy are resisted and how frankly the insignificance of the objects of this world-wide association is expressed; for, if these conclusions are final, the Roman guild is not a very valuable contribution to the social,

political or economic history of the world. The drift of the whole work is to show that through the greater part of their history, from the earliest times to the close of the middle Empire, they were working-men's clubs and nothing more. It is not until we reach the later Empire (a period which Waltzing has yet to treat) that these hitherto insignificant associations become saddled with the greater part of the administration of the Roman Empire.

The portion of the work which lies before us is far more complete than its title might imply. It claims to treat only of the professional colleges (*collegia artificum*); but, as the author shows, besides the (in his view) very limited professional aim of these guilds, they invariably possessed a secondary object of a two-fold character which strangely enough would seem, according to his conclusions, to have been more important than the object connected with trade. They were religious associations and burial societies, sometimes (as at the close of the Republic and the beginning of the Empire) they assumed an accidentally political character. Thus trade, religion, funerals, politics, every possible object of guild-association except one, are treated in turn. The one which is mentioned only to be shelved is charity and mutual assistance. That, according to the author, was never the object of the Roman collegiate system. But the determination of the scope of the colleges, difficult as it is, is yet an easier task than a conclusion as to their origin. For the first we have evidence which, scanty for the Republic even at its close, is abundant for the first three centuries of the Empire, its chief defect being the almost fatal one of the absence of information as to the object and working, as opposed to the structure of these associations. But for their origin there is practically no evidence at all, and we have to answer the two questions 'What was the first impulse to this form of organization?' and 'How were the early colleges looked on by the state?' on somewhat general grounds.

As regards the first, Waltzing, dismissing the traditions which connect them with the state through Numa or Servius, holds that they were from the first the result of private enterprise, tolerated and not encouraged by the state, associations of the 'opificum vulgus' drawn together by community of exclusion from public life and from the army, and sometimes by community of locality. Mommsen's view that

they were founded by members excluded from the *tribe* is rejected; but the author's caution prevents him from boldly accepting what immediately suggests itself as the alternative view, that it was exclusion from the *gens* which prompted these associations, and that they were composed mainly of poor plebeians who were not *gentiles*. Yet he often notes the striking resemblance between the life of the college and the life of the clan. The funerary object of the 'collegia' is a substitute for the common burial of the 'gentiles' (p. 257). For, in respect of securing a final resting-place, the slave or freedman was better off than the unattached artisan. The perpetuation of memory secured by a donation or legacy to a college 'ad memoriam perpetuo colendam' expresses the belief that the life of the guild is at least as long as that of the family and that its duties will be better performed. The private character of the collegiate 'cultus,' on which the author lays stress, is no argument for or against state-creation or state-regulation. The worships of the 'gentes' were in every sense private, yet Cincius (*ap. Arnob.* iii. 38) tells us that they were sometimes imposed by the state. It might have been pointed out that sometimes the guild-members bear a designation denoting a family relationship, as in the case of the 'Juventutis Manliensium gentiles' of Virunum in Noricum, and perhaps in the case of the 'phretrium Augustalium' of Caere. It is scarcely correct to say that Greece did not know of an 'official organization' of crafts (p. 71). Sometimes the *γένος* is a craft, and its services might be, as at Sparta, secured to the state.

The author's view that the early colleges had a purely spontaneous origin is accompanied by an acceptance of Mommsen's opinion that until 64 B.C. (the year when many—if not most of them—were suddenly suppressed by the Senate) the right of association was perfectly free. This is undoubtedly the principle of the early Roman law as expounded by Gaius;¹ but the author seems to minimize—if he does not deny—the existence of state-regulation and state-control exercised by the Senate. Any one accustomed to the gradual growth of senatorial prerogatives will be more inclined to believe that this act of annihilation perpetrated by the Senate in 64 was but the last step in a long career of

¹ Gaius *ad leg.* xii. Tab. (Dig. 47, 22, 4), 'sodales sunt, qui ejusdem collegii sunt—his autem potestatem facit lex pactionem quam velint sibi ferre, dum ne quid ex publica lege corrumpant.'

administrative interference. What the author means by the 'personification civile' of a chartered college, or why a corporation authorized by the state should *necessarily* have more of it than an unchartered corporation, it is difficult to divine; for state-authorization at Rome seems to have had originally merely a preventive character: it does not confer special privileges but secures against illegal acts. The power of receiving legacies, which Waltzing seems to think an accompaniment of this 'personality,' is surely not a greater power legally than that of expelling or exacting fines from members, which is known to have been possessed by the unauthorized colleges of the Republic.

From the occasional interference of the Republican government we pass on to the strict regulation of these corporations under the Empire. Waltzing is a believer in a 'lex Julia de collegiis' implied in the usual formula 'quibus senatus c. c. c. permisit e lege Julia ex auctoritate Augusti.' He notes the curious fact of the complete disappearance of Augustus' law, which is not appealed to by the classical jurists. It may have been buried under a mass of imperial rescripts and mandates; but these were not sufficient to kill other Julian laws of hardly greater importance, and it is possible that no law 'de collegiis' was ever framed, but that the colleges authorized by the Senate were those whose motives did not offend against one of the more general 'leges Juliae' (e.g. 'de maiestate' or 'de vi'). But, whatever the legal ground of the authorization may have originally been, the result was that henceforth a college only received a sanction for its existence on proof of a 'causa,' i.e. on some ground of public utility, and the formation of a society might be only permitted under certain conditions, such as those affecting the number of associates and meetings and the reception of strangers into the craft. A college which had not obtained such a sanction was 'illicit.' Yet Waltzing accepts the distinction between a 'collegium illicitum' and one 'cui non licet coire,' and recognizes two kinds of illegal colleges, those which lacked authorization, and those which, whether authorized or not, had a dangerous or criminal end. This distinction may have existed in fact owing to the practice of the government of simply dissolving unauthorized colleges which were harmless without taking any criminal proceedings against them. But we doubt whether the distinction will bear legal

analysis. Although the Digest (47, 22) is inconclusive, the evidence of the Basilica, that most valuable of all commentaries to the Digest, is against it.¹ It is probable that in every case of the dissolution of an unchartered college prosecution for 'majestas' was legally possible, and we may see an instance of it in the punishment of the authors of the sedition which broke out between Pompeii and Nuceria in 59.² In the object, real or professed, of the colleges which fomented this disturbance there may have been nothing illegal. It is hardly necessary to point out the importance of this question—whether a criminal end had to be proved to entail a prosecution for treason—in the history of the early Christian societies.

Hitherto we have been dealing with special authorization. But Waltzing believes that a general authorization was accorded to at least one class of guilds—the 'collegia tenuiorum,' basing it, like Mommsen, on the heading of the rules drawn up by the funeral guild of Lanuvium. It is doubtful whether this heading and the parallel passage of Marcian³ state more than a general principle, and exempt these colleges from asking for special charters. But, if they do imply an exemption, this was also accorded to religious colleges, which were therefore recognized 'en bloc.' It is true that Waltzing refers the apparent permission in Marcian to the 'collegia tenuiorum' before mentioned; but the evidence of the Basilica renders this interpretation impossible.⁴ Christian guilds were therefore recognized by this universal principle of toleration; the legality of the persecution must have been based on the saving clause 'dum tamen per hoc non fiat contra senatus consultum, quo collegia illicita arcentur.'

We have already noticed the author's view that little importance is to be attached

¹ Basilica 60, 32. β' ἰδ παράνομον ποιῶν σύστημα τῇ κατὰ τῶν σὺν ὅποις τόπον δημόσιον ἢ ἱερὸν κατασχόντων ὑπόκειται ποινῇ—ἀθέμιτον δὲ σύστημα καὶ σωματείον ἐστὶ, τὸ μὴ ἀπὸ νόμου ἢ βασιλέως συστάν.

² Tac. Ann. 14, 17, 'prohibiti publice in decem annos ejus modi coetu Pompeiani collegiaque, quae contra leges instituerant, dissoluta; Livineius et qui alii seditionem conciverant exilio multati sunt.'

³ Kaput ex S. C. populi Romani. Quibus coire convenire collegiumque habere liceat. Qui stipem menstruam conferre volent in funera, in it collegium coeant' (Brun's *Fontes* p. 315); Marcian in Dig. 47, 22, 1.

⁴ Marcian in Dig. l.c. 'sed religionis causa coire non prohibentur, dum tamen per hoc non fiat contra senatus consultum, quo collegia illicita arcentur.' In the Basilica (60, 32) καὶ χάριν εὐχῆς θεμιτῶς ἔξεστι σινιέναι is made a distinct regulation, applicable to 'collegia' in general.

to the 'professional' objects of the guilds of artisans. But this is a point on which we think epigraphic evidence to be misleading. It does not lead us to a positive conclusion as to the importance of this object, but it ought not to lead us to a wholly negative conclusion as to its unimportance. We have to remember the absence of the actual charters of workmen's colleges, and that even such charters as have been preserved are confessedly inadequate, the most valuable one—that of Lanuvium—only specifying incidentally the end of the guild. Can we conceive the frequent meetings of numbers of the same craft without discussions of matters of trade interest? The organization of these clubs into 'decuries' and 'centuries' might be used for political ends; why not for professional purposes? Waltzing is inclined to reject the theory that these guilds were formed to meet the competition of slaves, on the general ground that there is no evidence of their adopting a counter-organization capable of resisting this competition; he does not believe with Herzog that they were ever co-operative societies; he even goes so far as to deny the probability of corporate work on the ground that 'one never finds a corporation undertaking work in common' (p. 186). But the influence of the hierarchy within these colleges must have been very great. If a college calls itself an *ἐργον* and is presided over by an *ἐργαρχός*, the latter must have been head of the craft; he would be appealed to in all important contracts and would choose his workmen. It is true that these expressive titles are found chiefly in the East, but at Beneventum we have 'studia' and 'discentes,' which suggest a regular course of trade-instruction and apprenticeship. The argument against the professional object or efficiency of these guilds drawn from the fact that some of them seem to have admitted members who were strangers to their particular craft does not seem to us of very great weight. It is impossible to examine the individual instances here, but a great many cases of double membership can be explained by the simultaneous exercise or by the similarity and close connection of different trades; others might no doubt be due to hereditary connection with a craft. A boy eight years old is found as a member of a guild; such youthful members might have retained their original trade-interest after they had grown up and entered on other professions. The protective measures taken by the 'collegia'

are practically reduced by Waltzing to the strength given by the mere fact of association and the influence of the 'patronus.' Although concessions obtained from the state were usually gained through the intermediation of a patron, it is easy to exaggerate his influence, and it is difficult to believe that patronage was the essential feature of the commercial life of the colleges.

On Waltzing's views as to the religious character of the professional 'collegia' we have already touched. The cult is usually private and the worship associated with the patron divinity of the trade. Yet some of the colleges, such as the 'tibicines,' gain almost an official character from being associated with the worship of the state, while others are allowed to celebrate their festivals in public places. One college at least—the 'dendrophori'—he thinks to have exercised sacred and secular duties which were quite distinct; but, as the members of the trade were always employed for the festival of Cybele, the civil and religious character became inextricably united in the individual. It is interesting to note how readily the professional guilds embraced the spreading Caesar-worship; the 'mantle-makers' (*sagari*) of the theatre of Marcellus are 'cultores domus Augustae,' and the 'dendrophori' of Ostia dedicate their 'schola' to the 'numen domus Augustae.'

Closely associated with their religious aspect is their funerary end. Waltzing holds that all—or almost all—the professional colleges 'added to their primitive and principal end the accessory end of the care of funerals' (p. 267), the support of this conclusion being found in the fact that the legacies left by benefactors for the perpetuation of their memory are less often bequeathed to the purely funerary or the purely religious associations than to the professional colleges. With regard to the purely religious colleges he quotes from a yet unpublished work of Cumont to show how necessary it was for some of the religious colleges of the Empire to be burial societies, since some (*e.g.* the members of the cult of Mithra) had their particular dogmas on a future life and particular funerary rites. Hence this accessory character was inevitably added to the Christian societies; the funerary character described by Tertullian does not require the author's hypothesis that it was adopted to shelter themselves under the judgment of universal toleration accorded to the 'collegia tenui-

orum.' With regard to the guilds which bear this particular title, Waltzing decidedly rejects Mommsen's view that they were associations for mutual help as well as funerary societies on the ground that 'neither in the authors nor in inscriptions is there mention of a chest or of extraordinary contributions' (i.e. contributions other than the burial subscriptions) 'or of expenditure applied to the help of the indigent or infirm.' Certainly the evidence (so far as the Western world is concerned) is in Waltzing's favour; but the real question at issue he does not state quite clearly; that is, whether the admittedly charitable associations of the East, such as the *ἐπavoi*, were included in the technical designation 'collegia tenuiorum.' The evidence of Pliny (*ad. Traj.* 92-93) seems to answer the question in the affirmative; and this, though it does not prove a charitable object for the Western colleges, would show that the general permission finally accorded to burial associations included mutual-loan and insurance societies as well. The author cites some striking exceptions to his own view that charity played a small part in the life of the Roman corporations. Such are the *θρέμματα* or training-schools for the young at Hierapolis, the workmen's houses at Thyatira, the savings-bank of the under-officers in the camp at Lambesis (the primary but not the sole object of which was funerary) and the *ἐπavoi* of Bithynia. The uncertainty of epigraphic evidence and the chance which has determined the character of the inscriptions preserved make us less certain than the author that these are really such very exceptional cases; the passage of Tertullian descriptive of the Christian society of Carthage¹ leaves it an open question as to whether this was one of the objects of the pagan guilds; but, if it was not often their expressed object, the professional associations probably implied a great deal of informal mutual assistance, a constant reference to the patron and a guarantee of occasional help from the 'sportulae,' which were paid partly in money and partly in kind. The three taken together almost enable us to say that they may have performed a charitable function.

We have left ourselves little space to discuss what is perhaps the most difficult

¹ Tertullian (*Apol.* 39) 'Nam inde non epulis nec potaculis nec ingratis voratrinis (as in the pagan colleges) sed egenis alendis humanisque,' and other charitable objects. 'Alere' is here put side by side with 'humare' which was an object of the pagan guilds.

portion of a work on Roman guilds—the accidental political character which they assumed at the end of the Republic. Waltzing denies both the title and the existence of Mommsen's 'collegia compitalicia,' the religious colleges of each 'compitum' which was itself composed of several 'vici.' But Dio Cassius proves that local colleges existed bearing local names,² and his *κολληγία ἐπιχωρίως καλούμενα* are as appropriate to the 'compita' as to the 'vici.' It is possible, however, that the connection between the 'ludi compitalicii' and the 'collegia' was, though close, somewhat accidental. The games might not have been possible without the support of the neighbouring 'collegia'; this would explain their presidency by the double magistri and the fact that the dissolution of the colleges brought with it the cessation of the games.³ It is difficult to see why he denies the name 'colleges' to Clodius' foundations in 58 (p. 97); they were enrolled 'vicatim' and divided into 'decuries,' the normal collegiate division.⁴ If it is true that the Senate in 64 abolished 'collegia' and not 'sodalitates' (i.e. purely political clubs)—(pp. 106-107)—we may have here a recognition of its claiming no right to interfere with purely private associations⁵ and consequently the recognition of the college as a public association. The same theory is expressed in Clodius' public foundation of new 'collegia.' Both events conflict with the theory that the state did not control these associations until 64.

It is probable that the civic colleges of Rome had a very long and active and to some extent public life before we catch the earliest glimpses of them. The acquisition of empire was out of keeping with their strictly professional character and broke down the exclusiveness of the guild-system: and in some cases they may, like our city companies, have changed from active working organizations into social and philan-

² Dio Cass. 38, 13. καὶ τὰ ἐταιρικά κολληγία ἐπιχωρίως καλούμενα, ὅντα μὲν ἐκ τοῦ ἀρχαίου, καταλυθέντα δὲ χρόνον τινὰ ἀνανεώσατο.

³ Ascon. *in Pison.* pp. 6 and 7 (Kiessling and Schöll) 'solebant autem magistri collegiorum ludos facere, sicut magistri vicorum faciebant, compitalicios praetextati, qui ludi sublatiis collegiis discussi sunt.' Cf. Cic. *in Pis.* 4, 8.

⁴ Cic. *pro Sest.* 15, 34.

⁵ When the 'sodalitates' and 'decuriati' were dissolved in 56 a law was necessary, 'lexque de iis ferretur ut qui non discessissent ea poena, quae est de vi, tenerentur' (Cic. *ad. Q. fr.* 2, 3, 5). The 'decuriati' were probably electioneering associations. For the abolition of the 'collegia' in 64 a senatus consultum alone seems to have sufficed.

thropic bodies. But in most cases the professional character of the guilds must have been still distinctly marked, when the type was spread through the provincial world, since their final destiny shows a closer connection with trade than Waltzing will admit; for it is hardly credible that Severus Alexander or his successors could have thought of applying to purposes of state, corporations which were mainly social and religious and had no traditions of a common industrial life behind them.

But, however one may differ from some of the author's views and regret the negative nature of the conclusions to which he feels himself to have been forced, every one will readily admit, on laying down these five hundred pages of controversial matter, that the honesty and erudition of the work are above reproach, and that here we have quite the most patient and exhaustive treatment of the Roman guilds which has yet appeared.

A. H. J. GREENIDGE.

HERAEUS' CRITICAL NOTES ON VALERIUS MAXIMUS.

Spicilegium Criticum in Valerio Maximo eiusque epitomatoribus scripsit GULIELMUS HERAEUS. Reprint from the xix. Supplementband of the Jahrbücher, pp. 580-636.

HERAEUS, who is not to be confused with the editor of the *Histories* of Tacitus, has treated directly about eighty passages of Valerius, using the materials furnished by Halm, and by Kempf in his two editions (see *C. R.* v. 428), and the scanty critical contributions of other scholars, notably Madvig, Gertz, Wensky, and Novák. So little has been done for Valerius that this pamphlet will be welcomed by scholars.

Heraeus takes on the whole a very conservative position; thirty-two of his remarks defend the manuscript readings of the Bernensis and the Laurentian on the established readings of the received text. Space, of course, forbids an estimate of all his propositions; some will fail to win acceptance, as 1, 7, 2, †*non est* where *n<on atti> net* is proposed, a too violent change; and 3, 2, 2, *eadem* [*enim*] where he would read *eadem reipublicae*. In 3, 8, 5, *ferebatur* is questionably defended against the *feribat* of Gertz, and in 9, 3, 6, *neget* <*aliquis*> for *negas* seems unnecessary. But, on the other hand, *diripientes* 'contending for' for *opperientes* in 2, 10, 5 is acute; and perhaps his most brilliant success appears in the treatment of 3, 2, 7, where he reads *ut et ipsi in occasu suo splendorem et ornamenta praeteritae vitae retinerent et publi ad fortius sustinendos casus* [*suos splendorem et ornamenta praeteritae vitae retinerent*] <*exemplum praeberent*>. The *cruz*, *experet*, in 5, 3, ext.

3 he would solve by *cohaeret* which is neither better nor worse than former attempts. In another corrupt passage, 5, 7, ext. 1, for *excitationem*, *expeditionem* is proposed. *Irae* for *ita* in 6, 3, praef. also deserves notice.

Pages 622-635 discuss the epitomators Paris and Nepotianus. A collation of the Vatican MS. of Paris lately made by Mau gave interesting testimony for orthography: *Galus*, *Messala* (contrary to Lachmann's rule), *Larisam*, *condicionem*, and *quinguagensimum* are noted among others. Heraeus then adds two pages of various readings from Mau's collation, and then three pages or more of criticism of the emendations of Paris by Novák and others. Scholars have treated these epitomators too roughly for the sake of bringing them into agreement with Ciceronian usage, or of harmonizing them with Valerius himself: so Gertz would change *dimicaverant* to *dimic<antes occub>uerant* because Valerius wrote *dimicantes occiderant*. Heraeus proposes ten emendations of Paris; one of them, *Pisistratus in tantum eloquentia praestitit* (8, 9, ext. 1) for *tantum* [*in*] *e. p.*, is probably correct.

Nepotianus has been more severely treated than Paris; it is not worth while to correct so late an author and write with Eberhard *effoderent ea signa imperavit for effodere* of the MS. c. 7, 7. Twelve passages are emended. The Latinity of the pamphlet is smooth and correct.

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