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A FEW REMARKS ABOUT *QUAESTOR OSTIENSIS*

Abstract

In the history of the Roman Republic, the office of appears to be the most mysterious, and at the same time the least understood, as is evident from the scattered source materials, especially literary accounts. This does not mean, however, that quaestorship was unimportant in political life. One should bear in mind that it was the first step in an official's career in the ancient Rome. Thus, it opened the door to the office of a praetor or a consul, the most coveted and prestigious magistracies, but of course there are known exceptions to this rule. Although the origins of quaestorship date back to the fifth century BC, the history of *quaestor Ostiensis*, an enigmatic official not mentioned in historical records which contained only pieces of information, primarily in literary accounts, took a very different shape. He did not appear on the pages of Roman history until the 3rd century BC. The basic facts about *quaestor Ostiensis* were provided by Cicero, so the analysis of this information is the primary task. The information contained in historical sources is completed in literary accounts by Velleius Paterculus and Lydus, as well as in inscriptions. Their common feature is that they are remarkably laconic, which makes it very difficult to present precisely the scope of the powers of *quaestor Ostiensis* and to show their possible modification in connection with the changing situation in the ancient Rome. Within the framework of the considerations presented herein, it will be necessary to grasp the historical moment when *quaestor Ostiensis* gave way to a new magistracy, *praefectus annonae*.

Key words: quaestor, *quaestor Ostiensis*, ancient Rome, Roman law

The office of a quaestor appears to be one of the most mysterious magistracies in the ancient Rome. It has not been, with a few exceptions,¹ of wide interest to Romanist scholars, which is hardly surprising, since the overwhelming majority of the surviving source accounts are scattered, and literary sources are most common.² However, this must not discourage researchers, but should instead provide an additional stimulus to compare various sources and to search for answers to their questions.

The purpose of this article is to attempt to present, on the basis of the surviving source materials, the office of a quaestor residing in Ostia (*quaestor Ostiensis*) in terms of its origins and powers, and finally to show the end of this magistracy.

The basic issue to be faced at the outset is the origins of this magistracy. It certainly should be sought in the fifth century Before Christ (BC), when the *lex de quaestoribus quattuor creandis*³ was enacted, according to which there were four quaestors (after their number was doubled in 421 BC): two of them – *quaestores urbani*⁴ – remained in Rome⁵ and probably dealt with financial matters, while the first pair assisted the consuls in the exercise of their military powers and were subordinate to them.⁶

¹ In recent times, the most extensive attempt at a comprehensive approach to this magistracy was made by F. Pina Polo and A. Díaz Fernández, *The Quaestorship in the Roman Republic*, Berlin 2019, *passim*.

² In the *Digesta Iustiniani*, scanty information about this office comes from Ulpian's *liber singularis de officio quaestoris*, included in residual form by the compilers in D. 13, 1, 1–4. Cf. F. Coarelli, *I quaestores classici e la battaglia delle Egati*, [in:] M. Chiabà, ed., *HOC QVOQVE LABORIS PRAEMVIM. Scritti in onore di gino Bandelli*, Trieste 2014, p. 99.

³ G. Rotondi, *Leges publicae populi Romani. Elenco cronologico con una introduzione sull'attività legislativa dei comizi romani*, Milan 1912 (Nachdruck Hildesheim 1966), pp. 212–213.

⁴ The term is confirmed to in republican laws – their list was presented by A. Nicoletti, s.v. *quaestores*, [in:] *NNDI*, vol. 14, Turin 1967, p. 616, note. 8. Also, see: F. de Martino, *Storia della costituzione romana*, vol. 2, Napoli 1973², pp. 241–243. Also cf.: G. Wesener, s.v. *quaestor*, *RE*, vol. 47 (1963), galleys 811–815; J. Muñiz Coello, *Los cuestores republicanos. Origen, funciones y analogías*, “*Klio: Beitrage zur Alten Geschichte*”, vol. 96.2, 2014, pp. 514–522. The most extensive information on *quaestores urbani* was recently presented by F. Pina Polo, A. Díaz Fernández, *op. cit.*, pp. 79ff.

⁵ *Tac. Ann.* 11, 22: *dein gliscentibus negotiis duo additi qui Romae curarent*.

⁶ Cf. *Liv.* 4, 43, 4; *Cic. In Verr.* II.1, 40: *Tu cum quaestor ad exercitum missus sis, custos non solum pecuniae sed etiam consulis, particeps omnium rerum consiliorumque fueris, habitus sis in liberum loco, sicut mos maiorum ferebat, repente relinquant, deseras, ad adversarios*

The vast majority⁷ of researchers look for the origins of *quaestor Ostiensis* in the year 267 BC, although the surviving source materials raise some objections to their interpretation. It is customary to assume that the starting point is Livy's very laconic account,⁸ which in turn was not very precisely supplemented by Tacitus.⁹ The most objectionable is the account of Lydus;¹⁰ however, one cannot fully believe that

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- transeas?*; cf. A. Nicoletti, op. cit., p. 616; A. Tarwacka, *O urządzie kwestora. 13 tytuł 1 księgi Digestów. Tekst – tłumaczenie – komentarz*, “Zeszyty Prawnicze” 2011, vol. 11, no. 3, p. 431.
- ⁷ H.B. Mattingly, “*Suaetorius Claud. 24, 2 and the ‘Italian Quaestors’*”, [in:] ed. J. Bibauw, vol. 2, Brussels 1969, p. 509; W.V. Harris, *The Development of the Quaestorship 267–81 B.C.*, “The Classical Quarterly” 1976, vol. 76, no. 1, p. 92; D.C. Chandler, *Quaestor Ostiensis*, “Historia. Zeitschrift für Alte Geschichte” 1978, vol. 27, no. 2, p. 328; M. Cébelliac-Gervasoni, *Les rapports institutionnels et politiques d’Ostie et de Rome de la République au IIIe siècle ap. J.-C.*, “Mélanges de l’école française de Rome” [hereinafter MEFRA] 2002, vol. 114, no. 1, p. 63; Eadem, *Quaestor Ostiensis: une fonction ingrate?*, [in:] ed. M. Chiabà, *HOC QVOQVE LABORIS PRAEMVIM. Scritti in onore di gino Bandelli*, Trieste 2014, p. 55; F. Pina Paolo, A. Díaz Fernández, op. cit., p. 48. The origin of this magistracy is also dated by some researchers to 240 BC – see W. Kunkel, R. Wittmann, *Staatsordnung und Staatspraxis der römischen Republik. Die Magistratur*, vol. 2, Munich 1995, p. 530; F. Coarelli, op. cit., p. 108. Strong opposition to the view of L. Loreto (*Sull’introduzione e la competenza originaria dei secondi quattro quaestori (ca. 267–210 a.C.)*), “Historia. Zeitschrift für Alte Geschichte” 1993, vol. 42, no. 4, pp. 498–501), who proposed the year 210 BC as the date of the establishment of this magistracy was expressed by F. Zevi (*Appunti per una storia di Ostia repubblicana*, MEFRA 2002, vol. 114, no. 1, p. 33); F. Coarelli (op. cit., p. 106); and M. Cébelliac-Gervasoni (*Quaestor Ostiensis...*, op. cit., p. 55), and the findings of these researchers, which put in question the date of 210 BC, should be accepted.
- ⁸ Liv., *Per.* 15, 8: *Quaestorum numerus ampliatus est, ut essent <octo>*.
- ⁹ Tac., *Ann.* 11., 22: *creatique primum Valerius Potitus et Aemilius Mamercus sexagesimo tertio anno post Tarquinius exactos, ut rem militarem comitarentur. dein gliscentibus negotiis duo additi qui Romae curarent: mox duplicatus numerus, stipendiaria iam Italia et accedentibus provinciarum vectigalibus: post lege Sullae viginti creati supplendo senatui, cui indicia tradiderat.*
- ¹⁰ Lydus, *De Mag.* 1. 27: τῷ δὲ τρίτῳ καὶ <τεσσαρακοστῷ καὶ> διακοσιοστῷ τῶν ὑπάτων ἐνιαυτῷ, ἐπὶ τῆς ὑπατείας Ῥηγούλου καὶ Ἰουλίου, κερνάντων Ῥωμαίων πολεμεῖν τοῖς συμμαχήσασι Πύρρῳ τῷ Ἡπειρώτῃ, κατεσκευάσθη στόλος καὶ προεβλήθησαν οἱ καλούμενοι κλασσικοί, οἷον εἰ ναύαρχαι, τῷ ἀριθμῷ δυοκαίδεκα κυαίστωρες, οἷον ταμίαι καὶ συναγωγεῖς χρημάτων. τίνι δὲ διαφέρει κυαίστωρ κυαισίτωρος προειρήκαμεν. καὶ διεφυλάχθη ἡ τοιαύτη συνήθεια καὶ συναγωγή τῶν πόρων τοῖς τε ὑπάτοις τοῖς τε πραιίτωρσιν ἐκδημοῦσιν. Critical comments about this passage in the sources were made by M. Smith (*Lydus, „De Magistratibus: 1, 27 and the Quaestors of 267 B.C.*, “The Bulletin of the American Society of Papyrologists” 1978, vol. 15, no. 1/2, pp. 125ff), and a polemic against him was presented by W.V. Harris (*Lydus, „De Magistratibus 1.27: a Reply*, “The Bulletin of the American Society of Papyrologists” 1979, vol. 16, no. 3, pp. 199ff).

historian, due to not only the period in which he wrote, but also the composition of his work.¹¹ This does not fundamentally change the fact that the origin of *quaestor Ostiensis* must be set at some point in history taking into account the opinion of researchers on this matter, and I am inclined to agree with the opinion of the majority and accept the date of 267 BC.

It is worth noting that not only is the dating of this magistracy controversial among researchers, but further surviving source accounts make this office even more puzzling. Assuming that the *dies a quo* of this magistracy is the year 267 BC, it should be emphasized that the first surviving information regarding *quaestor Ostiensis* dates from the end of the 2nd century BC. When attempting to provide an answer to the question about the reasons for this surprising absence of relevant information in the sources,¹² one must analyze those sources that allow posing any hypotheses:

Cic. har, resp. 43: *Saturninum, quod in annonae caritate quaestorem a sua frumentaria procuratione senatus amovit eique rei M. Scaurum praefecit, scimus dolore factum esse popularem.*

Cic. Sest. 39: *nec mihi erat res cum Saturnino, qui quod a se quaestore Ostiensi per ignominiam ad principem et senatus et civitatis, M. Scaurum, rem frumentariam tralatam sciebat.*

¹¹ There is a well-established belief among scholars that Lydus's *De magistratibus* should be read with a great deal of caution, since the author paid little attention to the chronology of events and mixed and freely compiled facts, which makes it impossible to accept his observations without a critical comparison of the information he presented with other sources, mostly from the period in question – for more information, see J. Caimi, *Burocrazia e diritto nel De magistratibus di Giovanni Lido*, Milano 1984, passim; M. Maas, *John Lydus and the Roman Past. Antiquarianism and Politics in the Age of Justinian*, London–New York 1992, passim. This confusion introduced by Lydus becomes particularly important in the context of quaestorship (see above), where the author – as the only one – gave their number as 12 in the pre-Sullan period (see in this aspect the recent findings of C. Berrendonner (*À la recherche du quaestor Ostiensis*, [in:] *Ostia, l'Italia e il Mediterraneo. Intorno all'opera di Mireille Cébeillac-Gervasoni. Atti del Quinto seminario ostiense, Roma-Ostia, 21–22 febbraio 2018*, eds M.L. Caldelli, N. Laubry, F. Zevi, Rome 2021, pp. 18ff), who assumed that Lydus had ten quaestors in mind, and linked the preceding information to *duumviri navales*. It seems that a more balanced view is presented by earlier researchers (D.C. Chandler, op. cit., passim, W.V. Harris, *The Development...*, op. cit., passim), especially T. Gnoli (*Navalia: guerre e commerci nel Mediterraneo Romano*, Rome 2012, pp. 86–97), who suggested a more critical approach to Lydus' reliability.

¹² M. Cébeillac-Gervasoni, *Les rapports institutionnels...*, op. cit., p. 63.

The Saturninus¹³ mentioned by Arpinata in both passages is none other than *Lucius Appuleius Saturninus*,¹⁴ who held the office of plebeian tribune in 103 BC¹⁵ and was the proposer of the *lex Appuleia de maiestate minuta*, adopted as a result of a plebiscite.¹⁶ However, these facts about this person are not of primary importance. Cicero made it clear that Lucius Appuleius Saturninus, as the *quaestor Ostienis*, was responsible for the *frumentaria procuratio*, which should be understood as a duty related to ensuring the supply of grain. The meaning of this phrase remains uncertain, as the surviving sources explicitly mention it (as well as *res frumentaria*) in the context of supplying military units.¹⁷ It is therefore reasonable to ask the following question: In the first years of the 2nd century BC, did the *quaestor Ostiensis* take care of issues related to the supervision of grain supplies for the military, or for Rome more broadly, and were such duties assigned to him since the foundation of this magistracy? Scholars¹⁸ firmly believe that *frumentaria procuratio* referred to food supply to Rome, which involved, among other things, the purchase of grain, the supervision of its distribution, and the control of its price.¹⁹ But can one conclude that these duties were exercised by the *quaestor Ostiensis* in the 3rd century BC? It seems that grain

¹³ Arpinata's message is also complemented by Dio. 36, 12. See: F. Pina Polo, A. Díaz Fernández, op. cit., p. 216.

¹⁴ There is no unanimous opinion among researchers on the question of this politician's quaestorship, and two dates are usually given: 105 BC (see: J.R.W. Prag, *The Quaestorship in the Third and Second Centuries B.C.*, [in:] eds J. Dubouloz, S. Pittia, G. Sabatini, *L'imperium Romanum en perspective. Les savoirs d'empire dans la République romaine et leur héritage dans l'Europe médiévale et moderne: actes du colloque de Paris, 26–28 novembre 2012*, Franche-Comté 2014, p. 198) and 104 BC (according to: T.R.S. Broughton, *The Magistrates of the Roman Republic*, vol. I: *509 B.C.–100 B.C.*, New York 1951–1952, p. 560; E.S. Gruen, *Roman Politics and the Criminal Courts 149–79 B.C.*, Cambridge–Massachusetts 1968, p. 163, note 35; W.V. Harris, *The Development...*, op. cit., p. 97; D.C. Chandler, op. cit., p. 330; M. Cébelliac-Gervasoni, *Les rapports institutionnels...*, op. cit., p. 63; F. Zevi, op. cit., p. 34). Cf. also the recent findings of F. Pina Polo and F.A. Díaz Fernández (op. cit., pp. 216–217), who tend to favor the date of 105 B.C., although they do not question the findings of scholars who favor the later period of Saturninus' quaestorship.

¹⁵ T.R.S. Broughton, op. cit., vol. I, p. 563.

¹⁶ For more information on this law and the criminal trials conducted on its basis in the pre-Sullan period, see – P. Kotodko, *Ustawodawstwo rzymskie w sprawach karnych. Od Ustawy XII Tablic do dyktatury Sulli*, Białystok 2012, pp. 197ff.

¹⁷ Cf. the review of sources by C. Berrendonner, op. cit., p. 21, notes 64 and 65.

¹⁸ G. Wesener, op. cit., galleys 818ff; W.V. Harris, *The Development...*, op. cit., p. 97; D.C. Chandler, op. cit., p. 330; F. Pina Polo, A. Díaz Fernández, op. cit., p. 47.

¹⁹ R. Meiggs, *Roman Ostia*, Oxford–New York 1973², p. 298.

supply, organized in a systemic way, started only in the time of the Gracchis brothers, as demonstrated by the enactment of the *lex Sempronia frumentaria*,²⁰ which began the cycle of *leges frumentariae*.²¹

It is also worth to quote here the view of Francesco de Martino,²² who concluded that the number of quaestorian provinces was not fixed and was freely modified by the Senate, depending on the current needs of the Republic.²³ Even if one accepts the accuracy of this opinion, it is still not entirely clear what duties the *quaestor Ostiensis* performed. Their determination can be facilitated by the findings of scholars²⁴ who, after analyzing a passage from Lyd. *De Mag* 1, 27, which is controversial due to its completeness and precision of argument, believe that this text leads one to assume that the Byzantine author writing about the quaestorship was referring to *quaestores classici*,²⁵ whose

²⁰ G. Rotondi, op. cit., pp. 307–308; P. Garnsey, D. Rathbone, *The Background to the Grain Law of Gaius Gracchus*, the *Journal of Roman Studies* 1985, vol. 75, pp. 20ff, C. Viriouvét, *Tessera frumentaria. Les procédures de la distribution du blé public à Rome*, Rome 1995, p. 117.

²¹ The basic information was provided by F. Reduzzi Merola, *Leges frumentariae. da Gaio Gracco a Publio Clodio*, [in:] *Sodalitas. Scritti in onore di A. Guarino*, vol. II, Naples 1984, pp. 533–559. Detailed information on grain distribution can be found in the work by C. Viriouvét, op. cit., passim.

²² F. de Martino, op. cit., p. 244.

²³ Similar statements have been made by J. Muñiz Coello, op. cit., p. 519, note 33; F. Pina Polo, A. Díaz Fernández, op. cit., pp. 49, 133; and recently this view has been endorsed by C. Berrendonner, op. cit., p. 24.

²⁴ Cf. the careful opinion by M. Cébelliac-Gervasoni (*Les rapports institutionnels...*, op. cit., pp. 64–65). Firmer views are declared by F. Zevi (op. cit., pp. 33ff); F. Coarelli (op. cit., pp. 106ff). The opposite view is presented by H.B. Mattingly (op. cit., pp. 505ff); W.V. Harris (*The Development...*, op. cit., pp. 95–96); L. Loreto (op. cit., p. 500), but these findings are currently not defensible in the light of the research conducted, for example, by J.R.W. Praga (*Bronze rostra from the Egati Islands off NW Sicily: the Latin inscriptions*, “*Journal of Roman Archeology*” 2014, vol. 27, pp. 33–59), and should be firmly rejected. Also, see: M. Cébelliac-Gervasoni, *Quaestor Ostiensis...*, op. cit., p. 55; F. Zevi, op. cit., p. 33.

²⁵ This term appears only in Lydus’s work and is not mentioned in any other extant source – W.V. Harris, *The Development...*, op. cit., p. 92, note 3. Also cf.: F. Coarelli, op. cit., p. 107; J.W.R. Prag, *The quaestorship...*, op. cit., p. 196, or, more recently, the observations of C. Berrendonner (op. cit., pp. 17–18). Since there are no source materials confirming the existence of that office, the view of T. Gnoli (op. cit., pp. 86–97), who concluded that the word *classici* more likely describes the function or duty of the quaestors and should not be considered a formal title associated with this magistracy. This observation seems accurate and should be agreed with. Also, see: J.W.R. Prag, *The quaestorship...*, op. cit., p. 196, note 10; p. 200).

chief duty was the supervision of the Roman fleet.²⁶ Acceptance of this view leads to the assumption that at least one of the newly appointed quaestors in 267 BC dealt with this area as part of his duties. This argument is reinforced by the prosopographical research conducted by Mireille Cébelliac-Gervasoni,²⁷ which showed that all known quaestors from the 3rd century BC could be described as *quaestores classici*. Why, then, did Arpinata, when writing about Saturninus, focus only on the duties of *quaestor Ostiensis* referred to as *frumentaria procuratio (res frumentaria)* and completely failed to refer to the maritime aspects? Is it possible to look for some modification of the powers of this magistracy during the century after that office was established? The source materials are too sparse to confirm this possibility, but it must be said that after the conquest of Carthage (146 BC), the Roman Republic did not conduct such extensive naval operations, and therefore fleet supervision may have become a purely theoretical or even already historical duty.

Moreover, information confirmed by sources, which relate to the *quaestor Ostiensis*, mentions this official during the period of the food crisis in the Roman Republic.²⁸ Is it therefore possible to assume, following the views of Francesco de Martino,²⁹ that there was a dichotomous division of quaestors into *quaestores urbani* and others, and that Saturninus would be included in the former group, which was entrusted with the *ad hoc* mission of supplying Rome?³⁰ The quoted passages from Arpinata may provide some circumstantial evidence supporting this line of reasoning. They clearly show that Saturninus failed in his assigned task (i.e. *frumentaria procuratio*) and was replaced by Marcus Aemilius Scaurus.³¹ It is noteworthy that the *princeps senatus* was not appointed as another *quaestor Ostiensis* to replace

²⁶ It must be strongly emphasized that quaestors were not authorized to command the fleet, as this was the task of the *duumiviri navales* – F. Zevi, *op. cit.*, p. 34; F. Coarelli, *op. cit.*, p. 108. Cf. W.V. Harris, *The Development...*, *op. cit.*, p. 98.

²⁷ M. Cébelliac-Gervasoni, *Quaestor Ostiensis...*, *op. cit.*, p. 58. Cf. the prosopographical research regarding quaestors conducted by C. Berrendonner (*op. cit.*, pp. 18–21).

²⁸ C. Berrendonner, *op. cit.*, p. 24.

²⁹ F. de Martino, *op. cit.*, p. 244.

³⁰ C. Berrendonner, *op. cit.*, p. 24.

³¹ He held the office of a consul in 115 BC – cf. T.R.S. Broughton, *op. cit.*, vol. I, p. 561; See: Ascon. 16 Clark. He also studied history (for more information on this issue, see: I. Lewandowski, *Historiografia rzymska*, Poznań 2007, p. 61), and participated in many criminal trials as a prosecutor, defendant, and even witness – cf. M.C. Alexander, *Trials in the late Roman Republic 149 to 50 BC*, Toronto 1990, pp. 18–19, 24, 28, 30–31, 35. Another

the underperforming Saturninus,³² and instead he merely took over the ineptly performed *frumentaria procuratio*. There is no doubt at all that in an ordinary period without any crises and emergencies, the duty of supplying food to Rome was in the hands of the aediles.³³ It is therefore accurate to assume that the *quaestor Ostiensis* was charged with the task of supplying food to Rome when extraordinary circumstances arose, but at the same time it must be said that this official was immensely scrupulously held accountable for this activity. It is not clear what omissions and negligence Saturninus committed that led to the decision to remove him from his commission. Aside from concluding that he must have been guilty of serious misconduct, nothing more could be determined, as the source materials offer little knowledge that could be used for posing hypotheses, let alone drawing concrete conclusions.

Further information regarding the *quaestor Ostiensis* was again provided by Arpinata in the following excerpt from his speech:

Cic., Mur. 18: *tu illam cui, cum quaestores sortiuntur, etiam adclamari solet, Ostiensem, non tam gratiosam et inlustrem quam negotiosam et molestam.*

author who wrote about this figure's involvement in political life was P. Kołodko (op. cit., p. 210).

³² M. Cébelliac-Gervasoni, *Les rapports institutionnels...*, op. cit., p. 64; eadem, *Quaestor Ostiensis...*, p. 59; J.W.R. Prag, *The quaestorship...*, op. cit., p. 198; F. Pina Polo, A. Díaz Fernández, op. cit., p. 217.

³³ A. Dauget-Gagey, «*Splendor aedilitatum*»: *l'édilité à Rome (Ier s. avant J.-C.-IIIe s. après J.-C.)*, Rome 2015, pp. 504–510, 514–516, 518. The competences of aediles were studied by R. Kamińska (*Zarys kompetencji edylów jako urzędników miejskich*, “*Studia Prawno-Ekonomiczne*” 2013, vol. 88, pp. 71–95; eadem, *W trosce o miasto. „Cura Urbis” w Rzymie okresu republiki i pryncypatu*, Warszawa 2015, pp. 109ff. The grain trade and the abuses associated with it have been studied by M. Kuryłowicz (*Działalność karno-administracyjna edylów rzymskich w sprawach handlowych*, “*Zeszyty Naukowe Uniwersytetu Jagiellońskiego, Prace Prawnicze*” 1989, vol. 125, pp. 65–78; idem, *Przestępstwa spekulacji contra annonam w prawie rzymskim*, “*Biuletyn Lubelskiego Towarzystwa Naukowego*” 1993, vol. 93, Hum. 1, pp. 3–12 = *Prawo rzymskie. Artykuły wybrane. W 50-lecie doktoratu*, Lublin 2023, pp. 57–68); idem, *Nadzór magistratur rzymskich nad porządkiem publicznym*, [in:] *Bezpieczeństwo i porządek publiczny – historia, teoria, praktyka. Konferencja naukowa, Hadle Szklarskie, 26 września 2003 r.*, ed. E. Ura, Rzeszów 2003, pp. 43–49 = *Prawo rzymskie...*, op. cit., pp. 153–160). *Crimen annonae* was concisely discussed in Polish literature by K. Amielańczyk (*Crimina legitima w rzymskim prawie publicznym*, Lublin 2013, pp. 309–314).

Before this short passage is analyzed, the broader historical context should be outlined. The characters who must be introduced are Servius Sulpicius Rufus³⁴ – a colleague of the incumbent quaestor Lucius Licinius Murena,³⁵ accused of *crimen ambitus*,³⁶ whose defense was undertaken by Cicero.³⁷ The two politicians are key figures, because the quoted passage from the *pro Murena* speech refer to them. It is not entirely clear whether Cicero's observations regarding the *quaestor Ostiensis* were an actual perception of this magistracy, or whether they should be considered a rhetorical device.³⁸

Building a line of defense, Arpinata referred to the *provincia quaestoria* received by his client (Murena) in the draw as *gratiosa et inlustre*, which can be translated as “friendly and distinguishing” in contrast to Servius Sulpicius Rufus – a *quaestor Ostiensis* – whose province he described as *negotiosa et molesta*, which should be understood as “busy/hard-working and burdensome.”³⁹ The lack of information allowing one to assume that holding the office of *quaestor Ostiensis* was not regarded as a great distinction is striking. It is also impossible to find, not only in Arpinata's work, but also in other sources, even the slightest clue as to what powers this magistracy had. This makes it significantly harder to verify the speaker's observation presented above. Nor can it be ruled out that this perception of the *quaestor Ostiensis* was a procedural tactic adopted in Murena's trial. Suffice it to mention that it is assumed that the *pro Murena* speech represents an outstanding display of Arpinata's rhetorical skills, the primary purpose of which was to defend the defendant.⁴⁰

³⁴ In 74 BC he held the office of *quaestor Ostiensis* – see T.R.S. Broughton, op. cit., vol. II, p. 103. Cf. D.C. Chandler, op. cit., p. 331; M. Cébelliac-Gervasoni, *Quaestor Ostiensis...*, op. cit., p. 59; F. Pina Polo, A. Díaz Fernández, op. cit., pp. 47, 321.

³⁵ T.R.S. Broughton, op. cit., vol. II, p. 103; F. Pina Polo, A. Díaz Fernández, op. cit., pp. 47, 276.

³⁶ The *crimen ambitus* in the times of the Roman Republic was presented by P. Kołodko (op. cit., pp. 67ff) and M. Sobczyk (*Przestępstwo korupcji wyborczej w republikańskim Rzymie*, “Czasopismo Prawno-Historyczne” 2014, vol. 66, no. 2, pp. 11ff; idem, *Crimen ambitus w mowie w obronie Mureny Cycerona*, [in:] *Noctes Iurisprudentiae. Scritti di onore di Jan Zabłocki*, eds P. Niczyporuk, A. Tarwacka, Białystok, pp. 239–252). Further bibliographic guidance can be found in the work by I. Leraczyk (*Rzymskie prawo karne. Bibliografia*, Lublin 2021, p. 26).

³⁷ M.C. Alexander, op. cit., p. 111.

³⁸ M. Cébelliac-Gervasoni, *Les rapports institutionnels...*, op. cit., p. 64; eadem, *Quaestor Ostiensis...*, op. cit., p. 56.

³⁹ F. Pina Polo, A. Díaz Fernández, op. cit., p. 47.

⁴⁰ T. Banach, *Res Publica est res Populi. Myśl polityczno-prawna Marka Tulliusza Cyserona*, Łódź 2023, p. 42.

On the other hand, however, it should not be forgotten that in the 70s of the 1st century BC, Rome suffered significant grain shortages,⁴¹ which resulted in riots.⁴² Perhaps Arpinata's speech contains a grain of truth confirming an exceptional reluctance to hold the office of *quaestor Ostiensis*,⁴³ which was by no means an honorable start to an official's career. If we assume that Russel Meiggs⁴⁴ was correct that a *quaestor Ostiensis* supervised the receipt,⁴⁵ storage, and redistribution of wheat and the performance of contracts concluded with the measurers responsible for weighing grain (*mensores frumentarii*)⁴⁶ and with porters for loading and unloading grain (*saccarii*),⁴⁷ then the perception of the *provinciae quaesotriae* in Ostia as *negotiosa et molesta* does not seem at all lacking in accuracy. It cannot be ruled out that in the case of extraordinary events a *quaestor Ostiensis* could be removed from the supervision of *frumentaria procuratio* (as was the case with Saturninus) or he could count on the support of a curule aedile – as it happened in 74 BC. It is difficult to determine whether this was a permanent practice in the Roman Republic, or rather an *ad hoc* activity resulting from many considerations, including the charisma of the magistracy at the time.

⁴¹ N. Rogosz, *Polityczna rola trybunatu ludowego w Rzymie w latach restauracji sullańskiej (78–70 p.n.e.)*, Katowice 1992, p. 68.

⁴² In 74 BC, a massive grain shortage crisis emerged, resulting in riots in Rome. The curule aedile, M. Seius attempted to stop them (cf. T.R.S. Broughton, op. cit., vol. II, p. 102) by distributing free grain to the enraged mob – see F. Pina Polo, A. Díaz Fernández, op. cit., p. 47, note 104.

⁴³ M. Cébelliac-Gervasoni, *Les rapports institutionnels...*, op. cit., pp. 64, 66. See: F. Zevi, op. cit., p. 38.

⁴⁴ R. Meiggs, op. cit., p. 298. Cf. C. Berrendonner, op. cit., p. 22.

⁴⁵ It is also worth noting that a *quaestor Ostiensis* had a jurisdictional competence, probably related to the *frumentaria procuratio*, confirmed by a historical source in the following inscription: *CIL XIV, 375: [h]uic statua inaurata d(ecreto) d(ecurionum) / p(ecunia) p(ublica) posita est / [i]tem a{h}enea d(ecreto) d(ecurionum) p(ecunia) p(ublica) posita / [p]roxume tribunal(i) quaes(toris)*. See also F. Zevi (op. cit., pp. 35–40). A detailed analysis of the *tribunali quaestoris* in terms of architecture was carried out by F. Coarelli (*Saturnino, Ostia e l'annona. Il controllo e l'organizzazione del commercio del grano tra II e I secolo a.C.*, [in:] *Le Ravitaillement en blé de Rome et des centres urbains des débuts de la République jusqu'au Haut-Empire. Actes du colloque international de Naples, 14–16 Février 1991*, Rome, 1994, pp. 35ff). Also cf.: M. *Les rapports institutionnels...*, op. cit., pp. 67ff.

⁴⁶ See: E. Lo Casio, *Ancora sugli «Ostia's services to Rome». Collegi e corporazioni annonarie a Ostia*, MEFRA, vol. 114.1, 2002, pp. 87ff; N. Tran, *Les collèges d'horrearii et de mensores, à Rome et à Ostie, sous le Haut-Empire*, MEFRA 2008, vol. 120, no. 2, pp. 295ff.

⁴⁷ More information on this issue can be found in E. Martelli, *Sulle spalle dei saccarii Le rappresentazioni di facchini e il trasporto di derrate nel porto di Ostia in epoca imperiale*, Oxford 2013, passim.

The last information⁴⁸ that pertains to the office of *quaestor Ostiensis* is from the principate period⁴⁹ and concerns the future emperor Tiberius:

Vell. Pat. 2, 94, 3: *quaestor undevicesimum annum agens capessere coepit rem publicam maximamque difficultatem annonae ac rei frumentariae inopiam ita Ostiae atque in urbe mandatu vitrici moderatus est.*

It should be noted that the credibility of the source accounts regarding Tiberius' tenure as a *quaestor Ostiensis* raises reasonable doubts.⁵⁰ This is because one cannot overlook the fact that *praefectus annonae*, whose chief duty was the delivery of grain to Rome,⁵¹ had existed since the times since the time of Augustus.⁵² Moreover, with this circumstance in mind, it is difficult to determine whether the quoted source passage is so precise that it can be proven upon its analysis that Tiberius actually held the office of *quaestor Ostiensis*. It is more reasonable to support the opinion of C. Berrendonner⁵³ who believes this was more likely a consular quaestorship, as supported by the argument that in the Roman Republic a *quaestor Ostiensis* was not involved in the distribution of grain in the strict *Urbs*, and instead this was done by aediles⁵⁴. The quoted source passage directly indicates that the future emperor intervened in both Ostia and Rome. Thus, it casts serious doubt on the possibility that he held office of *quaestor Ostiensis*. Therefore, it cannot be ruled out⁵⁵ that the above passage should be considered as evidence of the successive assumption by the new magistracies established in the principate of the powers previously granted to the

⁴⁸ M. Cébelliac-Gervasoni (*Quaestor Ostiensis...*, op. cit., pp. 58–59) mentioned two more quaestors residing in Ostia, although this point is disputed, given the source materials. Cf. in this respect the prosopographical research conducted by C. Berrendonner (op. cit., pp. 19–21) and his approach to this issue.

⁴⁹ Cf. Suet., Tib. 8: *Interque haec duplicem curam administravit, annonae quae artior inciderat*; Dio., 53, 28, 4. See: D.C. Chandler, op. cit., p. 331; M. Cébelliac-Gervasoni, *Quaestor Ostiensis...*, op. cit., p. 61; eadem, *Les rapports institutionnels...*, op. cit., p. 64.

⁵⁰ M. Cébelliac-Gervasoni, *Les rapports institutionnels...*, op. cit., p. 64; C. Berrendonner, op. cit., p. 19 along with further literature.

⁵¹ P. Kudzin, *Prefektura annony w okresie flawijskim. Uwagi wstępne*, “Tabularium Historiae” 2019, vol. 5, pp. 95ff.

⁵² This prefecture was established between 8–14 AD – see P. James, *Food Provisions for Ancient Rome. A Supply Chain Approach*, London–New York 2021, pp. 24ff. Cf. M. Cébelliac-Gervasoni, *Les rapports institutionnels...*, op. cit., pp. 76ff.

⁵³ C. Berrendonner, op. cit., p. 24.

⁵⁴ A. Dauget-Gagey, op. cit., p. 505.

⁵⁵ C. Berrendonner, op. cit., p. 24.

republican offices. In this context, it must also be concluded that holding the post of *quaestor Ostiensis* must have entailed numerous inconveniences; hence the limited interest in this magistracy, which Cicero described so unambiguously in Murena's trial. One has to agree that the quaestorship in Ostia was not an attractive job,⁵⁶ so *praefectus annonae* appeared as the perfect remedy in the unpleasant situation.

The office of *quaestor Ostiensis* was abolished by Emperor Claudius⁵⁷ in 44 AD, which should not come as too much of a surprise, since the centralization of power in the hands of the emperor required the elimination of the last relics of the Roman Republic. Thus, the story of this highly mysterious office came to an end.

To summarize the considerations presented herein, it can be concluded that the office of *quaestor Ostiensis* ranked low among the republican magistracies. There are no source accounts confirming a political struggle for this office and any efforts made to be appointed to it. Perhaps this was related to the many difficulties that the quaestor in Ostia had to deal with, about which Arpinata wrote so subtly. The only information that relates to this magistracy appears in the context of extraordinary events (the case of Saturninus and Murena) or refers to the fact that the office of *quaestor Ostiensis* was abolished and his powers were taken over by the *praefectus annonae*. Such limited information makes it quite difficult to determine the precise scope of this magistracy's responsibilities. It seems, however, that the supply of grain to Rome was a fundamental duty of this magistracy, which required the additional involvement, in the case of extraordinary events (riots and disturbances), of curule aediles. The powers of this magistracy were rather vague, and it impossible to find more sources that can help describe them in more detail.

Despite the indicated obstacles, it must be said that the *quaestor Ostiensis* was an official who played an important role in the Roman Republic. The sparse source

⁵⁶ M. Cébelliac-Gervasoni, *Les rapports institutionnels...*, op. cit., p. 67. For information the absorption of the powers of the office of *quaestor Ostiensis* by the *praefectus annonae* and the mutual relationship between the two offices, see *ibidem*, pp. 76ff.

⁵⁷ Suet., Claud. 24, 2: *Collegio quaestorum pro stratura viarum gladiatorum munus iniunxit detractaque Ostiensi et Gallica provincia curam aerari Saturni reddidit, quam medio tempore praetores aut, uti nunc, praetura functi sustinverant*. Cf. W.V. Harris, *The Development...*, op. cit., p. 98; D.C. Chandler, op. cit., p. 331; M. Cébelliac-Gervasoni, *Les rapports institutionnels...*, op. cit., p. 77; eadem, *Quaestor Ostiensis...*, op. cit., p. 61.

information should not be evidence of the low usefulness of this magistracy. It is more likely that such mundane duties as, among others, delivering grain to Rome, did not merit greater mention in extant sources. Perhaps we must look for an explanation of the laconic surviving information about *quaestor Ostiensis*.

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► SUMMARY

A Few Remarks about *Quaestor Ostiensis*

An analysis of the few sources on the office of *quaestor Ostiensis* has made it possible to show that it was of little interest to Romans aspiring for a political career, let alone a springboard for a better start in the career of a Roman official. One could probably accept Cicero's view, even if formed for Milon's trial, that the drawing of the office of *provincia quaestoris* in Ostia was not the most fortunate outcome and caused the quaestor

considerable embarrassment. The scope of this magistracy's authority is as vague as the origin of this office. It is reasonable to assume that *quaestor Ostiensis* supervised the receipt and redistribution of wheat and the performance of contracts made with measurers and porters for loading and unloading grain. It cannot be conclusively demonstrated that the *frumentaria procuratio* (*res frumentaria*) mentioned by Cicero initially concerned only provisions for the army and only evolved to include provisions for the *populus Romanus*. Little can also be said about the jurisdictional competence of this office, although its holders did indeed have one, as evidenced by the few surviving inscriptions. The decline of this office in the times of the principate is not unusual or surprising if one considers the concentration of power in the hands of the emperor, starting with Augustus. The office of *praefectus annonae* was much more controllable than *quaestor Ostiensis*, hence the elimination of the latter from public space was only a matter of time.