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## APPOINTMENT TO AND HOLDING OF COLLEGIAL OFFICES IN THE EARLY PRINCIPATE USING THE EXAMPLE OF CURATORIAL COLLEGES

### Abstract

In the period of the Roman Republic, collegiality was one of the principles guiding the holding of offices. Its application, along with the application of the principles of election, term of office, lack of remuneration, and accountability, allowed for mutual control among those in power, and provided citizens with a sense of relative security against the potential return to monarchy. Single-member offices were thus filled extremely rarely and only in extraordinary circumstances. According to common practice and with few exceptions, ordinary offices in the Republic were filled by two people. The reign of Emperor Augustus brought major changes in this regard. While the first princeps did not abolish magistrates, he stripped them of many of their previous powers in favor of his own officials. These were the prefects and *curatores* appointed to take care of the City. While the prefects performed their functions individually, the *curatores* acted in the form of boards. The internally hierarchical curatorial colleges, however, in no way resembled the collegially held republican offices. The following considerations will attempt to determine the rules according to which curatorial colleges for *cura urbis* matters functioned, and whether in the case of this sphere of public administration collegiality was an apt solution, and if so, what supports this conclusion. The considerations presented herein are based on the study of legal texts, in particular excerpts from the Digests of Justinian and literary texts. The most valuable sources of information are Frontinus' *De aquaeductu urbis Romae* and Svetonius' *De vita Caesarum*.

**Key words:** collegiality, college of officials, cura urbis, curator

## 1. Preliminary comments

According to the definition of this term, a collegial office is an office that is based on the cooperation of a team.<sup>1</sup> This definition, although modern, would perfectly fit into the reality of past centuries or even millennia. In the Roman Republic, collegiality (*collegialitas*) meant holding of an office by a group of equal colleagues and, along with election, term of office, lack of remuneration, and accountability, was one of the principles guiding the holding of offices. As a rule, two officials granted equal prerogatives, including *ius intercessionis*, i.e. the right to oppose a colleague's decision, resulting in its ineffectiveness, were elected to one post.<sup>2</sup> The collegiality of offices, along with the other principles that guided their filling and holding, were supposed to guarantee the certainty and predictability of authority in the state, and thus guard against a possible return to monocracy.<sup>3</sup> One-man offices were thus extraordinary and, at least as a rule, were established for a short period of time, as exemplified by the maximum six-month term of a dictator.<sup>4</sup>

The very first administrative reforms of Octavian Augustus caused the bureaucracy to take a new shape, in terms of both organization and tasks. While the emperor did not abolish the republican magistrates, their previous prerogatives were severely reduced in favor of the ruler himself or his officials. The largest and most important group were prefects. They differed in their powers, but they assumed and held office, which, according to the established principle, was a single-person office, in the same manner. Prefects were appointed by the emperor for an indefinite period, which in practice meant that it was the emperor who decided on the length of their term. Therefore, he also had the right to dismiss them.<sup>5</sup>

During the early Principate, collegiality was the domain of the curatorial offices, which were responsible for the infrastructure of the city of Rome, which was a sphere of public administration that in the Roman Republic was in the hands of the censors and aediles.

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<sup>1</sup> V. Cinzah, *collegial*, [in:] *Dictionary of Politics and Government*, Cambridge 2004, pp. 43–44.

<sup>2</sup> A. Jurewicz, B. Sitek, *Ustrój republikański*, in: eds B. Sitek, P. Krajewski, *Rzymskie prawo publiczne*, Olsztyn 2006, p. 31; K. Wyrwińska, 'Civis romanus sum'. *Rzymskie prawo publiczne. Wybrane zagadnienia*, Kraków 2015, pp. 80–81.

<sup>3</sup> D. 1,2,2,16.

<sup>4</sup> W. Litewski, *Podstawowe wartości prawa rzymskiego*, Kraków 2001, p. 188.

<sup>5</sup> Ibidem, p. 189.

Augustus' reforms caused them to lose these functions to specialized imperial officials. One may wonder, therefore, whether the principle of collegiality of offices in the early Principate was dictated by political or practical considerations, with an emphasis on efforts to improve urban infrastructure and streamline its administration. What principles guided the filling of the offices of *curatores* and according to what rules were they held? There is no doubt that the offices of *curatores*, especially due to their collegial nature, differed from other imperial offices. But is that enough to call them extraordinary officials? Also, although this question actually seems crucial, how did the collegiality of the imperial offices, specifically of the offices of *curatores* exercising *cura* over Rome, compare to the *collegialitas* of the republican magistrates?

## 2. The college of *curatores viarum*

In the period of the Roman Republic, oversight of public roads was exercised by the censors and aediles,<sup>6</sup> but in 68 Before Christ the first *curator viarum* entered the political stage. It was Gaius Julius Caesar himself, and the longest and most important transportation route on the peninsula – via Appia – was placed under his care. Caesar was very committed to his new position, as evidenced by the fact that although he was heavily in debt at the time he took office, he did not spare any money on the object of his care.<sup>7</sup> It is not known how long the future dictator held the office of the *curator viae Appiae*, whether until he took the office of aedile in 65 BC, or perhaps shorter. What is certain, however, is that by caring for the Queen of the Roads, he won the affection of citizens, who expressed this by helping him win the election for the office of a curule aedile.<sup>8</sup>

Cicero was also aware of the importance of the office of a curator of roads: in a letter to Atticus, while making plans for his career as an official, he speculated whom he would face in the upcoming consular elections in 64 BC.

<sup>6</sup> *Tab. Her.* 2,50–52. More information can be found in: R. Kamińska, *Ochrona dróg publicznych przez urzędników rzymskich*, „Zeszyty Prawnicze” 2008, vol. 8.2, p. 13.

<sup>7</sup> Plut., *Caes.* 5.

<sup>8</sup> R. Orestano, *Il «problema delle persone giuridiche» in diritto romano*, Turin 1968, p. 306 believes that Caesar's appointment as the curator of the Via Appia coincided with his election to the office of curule aedile in 65 BC. This would mean that he held the position of the curator of the road simultaneously with that of the aedile. S. Klischat, „Alle Straßen führen nach Rom” *die Via Appia und andere Römerstraßen*, 1996, <http://www.klischat.net/onlinepub/referate/rom/rom.htm> (date of access: 21.05.2023).

**Cic., ad Att. 1,10:** *De iis, qui nunc petunt, Caesar certus putatur. Thermus cum Silano contendere existimatur; qui sic inopes et ab amicis et existimatione sunt, ut mihi videatur non esse ad unum Curium obducere. Sed hoc praeter me nemini videtur. Nostris rationibus maxime conducere videtur Thermum fieri cum Caesare. Nemo est enim ex iis, qui nunc petunt, qui, si in nostrum annum reciderit, firmior eandem fore videatur, propterea quod curator est viae Flaminiae, quae tum erit absoluta sane facile.*

He considered Mark Minucius Thermus to be his most dangerous rival. Interestingly, his fear resulted precisely from the fact that Thermus was the curator of *viae Flaminiae* and, to top it all off, he held the office with integrity and was certainly aware of the benefits it could bring him. This is suggested by the words of Cicero, who feared that Thermus would easily manage to fix the road before the election. Arpinata's message is clear – the renovation of one of the most important roads on the peninsula was an unquestionable asset that could help secure a political victory.<sup>9</sup>

The curator of public roads in the Roman republic thus appears to have been an exceptional office, which was not subject to the rules inherent in the holding of the office of *magistratus*. On the other hand, statements by Plutarch and Cicero show that in the Republic the office was considered important not only due to the importance of the tasks assigned to it, but also due to the prospects it offered, which were related precisely to the nature of those tasks.

Octavian Augustus was the first to regulate the principles guiding the holding of the office of *curatores viarum*. From then on, persons holding that office were appointed by the emperor, initially with the consent of the senate (*ex consensu senatus*), and later *auctoritate*.<sup>10</sup> They were entitled to the insignia of power and the powers enjoyed in the Republic by the *magistratus*.<sup>11</sup> Thus, they had the right to wear a *toga praetexta* and sit on a curule seat (*sella curulis*). They were to be accountable only to the emperor.<sup>12</sup>

The college of *curatores viarum* functioned in such a way that each member oversaw one assigned road, or possibly several, probably depending on the importance and/or

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<sup>9</sup> A. Rosset, *Starożytnie drogi i mosty*, Warszawa 1970, p. 94.

<sup>10</sup> F. De Martino, *Storia della costituzione romana*, IV, Naples 1974, p. 659; V. Ponte Arrebola, *Guardianes y custodios de las calzadas romanas: el 'curator viarum'*, „Revista General de Derecho Romano” (hereinafter: RGDR) 2005, vol. 5, p. 3.

<sup>11</sup> V. Ponte Arrebola, op. cit., p. 3.

<sup>12</sup> R. Laurence, *The Roads of Roman Italy. Mobility and Cultural Change*, London 1999, p. 42.

size of the roads.<sup>13</sup> The importance of a road also determined the rank of the official who was to oversee it. In practice, the most important roads, such as *via Aemilia* and *via Flaminia*, were overseen by senatorial curators who had previously held the office of a praetor. For the supervision of minor roads or roads of lesser importance, the rank of equite was sufficient.<sup>14</sup> Only *via Appia*, which could only be taken care of by senatorial official with the rank of a consul, was not subject to these rules.<sup>15</sup>

The reform of the *cura viarum* carried out by Augustus thus resulted in the creation of an internally hierarchical college of officials. Given the broad and varied scope of the college's work, its members were entitled to the aid of support staff, the *subcuratores*.<sup>16</sup> It is believed that at their disposal were also *tabularii*, that is freedmen employed in the imperial chancellery, specialists in accounting.<sup>17</sup>

In the college of *curatores viarum* functioned in this form until the 9th decade of the 3rd century AD. Only Emperor Diocletian's administrative reforms brought changes. Eventually, the college of curators for public roads disappeared in the early 4th century AD during the rule of Constantine the Great.<sup>18</sup>

### 3. The college of *curatores aquarum*

A valuable source of knowledge about *curatores aquarum* is presented in the engineering treatise *De aquaeductu urbis Romae* by Sextus Iulius Frontinus, who personally held this office from 97 Anno Domini.<sup>19</sup>

<sup>13</sup> R. Kamińska, *Ochrona dróg i rzek publicznych w prawie rzymskim okresu republiki i pryncypatu*, Warszawa 2010, p. 98.

<sup>14</sup> Dio Cass. 58,8.

<sup>15</sup> V. Ponte Arrebola, op. cit., pp. 5, 7, 8; M. Sartori, *Osservazioni sul ruolo del curator rei publicae*, „Athenaeum” 1989, vol. 67, fasc. I–II, pp. 5–20.

<sup>16</sup> *Subcuratores* were appointed, among others, for *viae Flaminiae*, see CIL VII 1054: *sub cur(atore) viae Flaminiae et aliment(or)um*; for *viae Aemiliae*, see CIL X 7857: *subcurator viae Aemiliae*; and for others, see CIL VI 3536: *succu(rator) viae (...)*.

<sup>17</sup> V. Ponte Arrebola, op. cit., p. 5; Ch. Bruun, *Roman Government and Administration*, [in:] *The Oxford Handbook of Roman Epigraphy*, eds C. Bruun, J. Edmondson, Oxford 2015, p. 280; K. Kłodziński, *Officium a rationibus*, Toruń 2017, pp. 101, 108.

<sup>18</sup> A. Palma, *Le curae pubbliche. Studi sulle strutture amministrative romane*, Naples 1991, p. 189.

<sup>19</sup> E. Cangelosi, *L'Eau bien commun, bien public. Une réflexion à partir de la Rome ancienne*, 2021, [https://hal.science/hal-03407473/file/WP%203%20Cangelosi%20\(2016\)%20-%20L\\_eau%20bien%20commun.pdf](https://hal.science/hal-03407473/file/WP%203%20Cangelosi%20(2016)%20-%20L_eau%20bien%20commun.pdf) (date of access: 3.03.2023).

**Front., *De aq.* 99,4–5:** ... *curatorem fecit Messalam Corvinum, cui adiutores dati Postumius Sulpicius praetorius et Lucius Cominius pedarius. Insignia eis quasi magistratibus concessa est.*

According to Frontinus' account, the offices of *curatores aquarum* were created in 11 BC by virtue of the *senatus consultum de aquaeductibus* passed on the initiative of Octavian Augustus.<sup>20</sup> The college consisted of three curators who specialized in the city's running water supply and had custody of the water supply system.<sup>21</sup> Thanks to Frontinus, the exact composition of the first college is known. It was headed by Messala Corvinus, who was assisted by two lower-ranking officials: Postumius Sulpicius and Lucius Cominius. The college was thus internally hierarchical, although all its members had to come from the *ordo senatorius*. The chairman of the college held the rank of a consul, and as for his aides (*adjutores*), one held the rank of praetor, and the other was not required to hold a higher office.<sup>22</sup> However, regardless of their position within the college, all its members enjoyed the attributes of an official's authority, and thus had the right to wear a toga praetexta and sit on a curule seat.<sup>23</sup>

<sup>20</sup> P.F. Girard, *Textes de droit romain. Publié et annoté*, Paris 1913, pp. 130–132; D. Keenan-Jones, M. García, *Travertine-Based Estimates of the Amount of Water Supplied by Ancient Rome's Anio Novus Aqueduct*, the Journal of Archaeological Science: Reports 2015, book 3, p. 1.

<sup>21</sup> Ch. Bruun, *The Water Supply of Ancient Rome. A Study of Roman Imperial Administration* (*Commentationes Humanarum Litterarum*. 93), Helsinki 1991, pp. 160, 240–241 is one of the researchers who questions whether *curatores aquarum* always formed a college. He cites as an argument the fact that Frontinus, when listing the names of his predecessors in the office of a curator, listed only one name for each term. The solution to this problem is also not made easier by the *lex Quinctia de aquaeductibus* of 9 BC, in which the office is mentioned once in the singular (Front., *De aq.* 129,5) and once in the plural (Front., *De aq.* 129,9–10). More information can be found in: A. Dalla Rosa, *Roms städtische Autoritäten unter Augustus: eine Revolution?*, [in:] eds K. Wojciech, P. Eich, *Die Verwaltung der Stadt Rom in der Hohen Kaiserzeit. Formen der Kommunikation, Interaktion und Vernetzung*, Munich 2018, p. 57.

<sup>22</sup> F.X. Ryan, *Rank and Participation in the Republican Senate*, Stuttgart 1998, p. 61, refers to Cominus as *pedarius*, believing that this was the term used to describe a senator who had not yet held a higher office, that of praetor. See: W. Eck, *Beförderungskriterien innerhalb der senatorischen Laufbahn, dargestellt an der Zeit von 69 bis 138 n. Chr.*, "Aufstieg und Niedergang der Römischen Welt. Geschichte und Kultur im Spiegel der neueren Forschung" (hereinafter: ANRW) 1974, vol. 2.1, p. 208; Idem, *Cura viarum und cura aquarum publicorum als kollegiale Ämter im frühen prinzipat*, KLIO 1992, vol. 74, p. 238; P.G.W. Glace, *adiutor*, in: *Oxford Latin Dictionary*, Oxford 2005, p. 45; S. Lefebvre, *L'administration de l'Empire romain d'Auguste à Dioclétien*, Paris 2011, p. 101.

<sup>23</sup> *O akweduktach miasta Rzymu. Frontinus*, translated and introduction by C. Kunderewicz, "Prace Zakładu Archeologii Antycznej IHKM PAN", vol. 19, Warszawa 1961, p. 58.; R. Kamińska, *Augustus nova officia excogitavit* (Suet. Aug. 37). *Oktawian August twórca cura urbis?*, "Miscellanea Historico-Iuridica" 2013, vol. 12, p. 20; Front., *De aq.* 100,1–2; Eadem, *Cura aquarum w prawie*

The importance of the offices of *curatores aquarum* is certainly evidenced by the privilege granted to them by the *senatus consultum de aquaeductibus*, which allowed them to evade the obligation to appear in public and private lawsuits.<sup>24</sup> That privilege can be likened to the immunity from prosecution that had been known in the Roman Republic. During that period, however, the criterion, based on *ius civile*, that determined the possibility to obtain the privilege was the official's membership in the ranks of higher officials (except for the censor)<sup>25</sup>, which was associated with their possession of power – *imperium*.<sup>26</sup> In addition to *magistratus maiores*, immunity from prosecution was also enjoyed by the untouchable (*sacrosanctus*) plebeian tribune while in office.<sup>27</sup> Under criminal law, however, the immunity was enjoyed by all *magistratus populi Romani*.<sup>28</sup> The fact that curators were granted such an important privilege can be considered as evidence of the importance attached to the college and the high regard in which the officers themselves were held.

The second issue related to the nature of the college of *curatores aquarum* concerns the manner of their appointment.

**Front., De aq. 1,1:** *Cum omnis res ab imperatore delegata intentiorem exigat curam, (...) sitque nunc mihi ab Nerva Augusto, aquarum iniunctum officium, ad usum tum ad salubritatem atque etiam securitatem urbis pertinens administratum per principes semper civitatis nostrae viros.*

**Front. De aq. 100,1:** *Quod Q. Aelius Tubero Paulus Fabius Maximus cos. V. F. de iis qui curatores aquarum publicarum ex consensus senatus a Caesare Augusto nominati essent ornandis.*

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rymskim, "Zeszyty Prawnicze" 2010, vol. 10.2, p. 103; A. Lintott, *Imperium Romanum. Politics and administration*, New York 2005, pp. 51–52; C. Varela Gil, *Los administradores de Roma (desde el origen de la ciudad hasta Justiniano)*, RGDR 2006, vol. 7, p. 33.

<sup>24</sup> Front. De aq. 2,101: *Itemque cum viarum curatores frumentique parte quarta anni publico fungantur ministerio, ut curatores aquarum iudiciis vacent privatis publicisque*. Also, see: Frontinus. *O akweduktach Miasta Rzymu. Traktaty miernicze*, eds A. Pikulska-Radomska, K. Tadańczyk, Łódź 2017, p. 85, note 289.

<sup>25</sup> Despite having only the *potestas* power, censors enjoyed immunity from prosecution, as they did other honors appropriate to *magistratus maiores* and *cum imperio*.

<sup>26</sup> P. Kołodko, *Uwagi na temat odpowiedzialności magistratus populi Romani w świetle prawa prywatnego oraz prawa publicznego*, „Zeszyty Prawnicze” 2014, vol. 14.3, pp. 119–131.

<sup>27</sup> Liv. 2,33; K. Wyrwińska, op. cit., pp. 103–104.

<sup>28</sup> Ibidem, pp. 131–146, who conducts an analysis of the public law norms that protected republican officials from criminal liability.

In the quoted passages from his treatise, Frontinus provided two important pieces of information on the rules for filling the office of *curator aquarum*. Firstly, this task was reserved for the emperor, although he did not perform it entirely on his own, but with the consent of the senate (*ex consensus senatus*).<sup>29</sup> Secondly, the selection was made only among candidates recruited from among citizens of the highest social standing, that is, the *principes civitatis*.<sup>30</sup> There is no doubt, therefore, that sitting in the college of *curatores aquarum* was a great honor that could be granted only to the most distinguished Romans assisted by appropriately selected support staff.<sup>31</sup>

**Front. De aq. 100,1:** *placere huic ordini, eos qui aquis publicis praeessent, cum eius rei causa extra urbem essent, lictores binos et servos publicos ternos, architectos singulos et scribas, librarios, accensos praeconesque totidem habere, quot habent ei per quos frumentum plebei datur. 2. Cum autem in urbe eiusdem rei causa aliquid agerent, ceteris apparitoribus eisdem praeterquam lictoribus uti.*

**Front. De aq. 101, 3:** *Egressis autem urbem dumtaxat agenda rei causa senatus praesto esse lictores iusserat.*

In a resolution adopted in 11 BC, the Senate decided to grant auxiliary clerks and other support staff to curators. Each *curator* was thus given three public slaves, that is, one architect, a scribe, and an accountant each, as well as ushers and heralds, as many as were granted to the officials in charge of grain distribution.<sup>32</sup> If, on the other hand, their duties of *curatores aquarum* required them to leave Rome, each was accompanied by two lictors.

The team of the associated curators was therefore relatively large, although its size was certainly adequate to the number and importance of the tasks they performed. It is most noticeable that lictors were assigned to them, albeit only in situations where the official, due to the nature of his mission, had to leave Rome. In the most general terms, lictors can be characterized as personal guards of the most important government officials, first kings and then the *magistratus* – higher republican officials. Thus, the fact that they were to protect *curatores aquarum*, even if only outside

<sup>29</sup> Front., *De aq.* 104,2: *curatores aquarum, quos Caesar Augustus ex senatus auctoritate nominavit.*

<sup>30</sup> R. Kamińska, *Koncesje wodne w rzymskim prawie publicznym okresu republiki*, [in:] *Interes prywatny a interes publiczny w prawie rzymskim*, eds B. Sitek, C. Lázaro Guillamón, K. Naumowicz, K. Zaworska, Olsztyn 2012, p. 143.

<sup>31</sup> Ch. Bruun, *The Water Supply...*, p. 182.

<sup>32</sup> Th. Mommsen, *Die Praefecti Frumenti Dandi*, “Hermes” 1870, vol. 4, pp. 364–370.

the Rome, irrefutably demonstrates the seriousness of this office.<sup>33</sup> On the other hand, compared to other officials, including other curators, the work of *curatores aquarum* was extremely dangerous and difficult. Indeed, Frontinus presents facts that demonstrate that crimes escalated with the development of the water supply system. Most often they involved installation of illegal connections to the water supply pipes, lowering the water pressure, or contaminating the water.<sup>34</sup>

**Front. De aq. 101, 4:** *Nobis circumeuntibus rivos fides nostra et auctoritas a principe data pro lictoribus erit.*

Frontinus said that once upon a time, which is when he was the one inspecting the water supply canals, instead of the lictors, the integrity and authority were given to curators by the emperor. This statement is valuable for assessing the risks of holding the office of *curator aquarum*. It turns out that the presence of lictors was not always necessary for curators. Only over time, as the number of water-related crimes increased, as did the audacity of the perpetrators, did their help prove desirable. Also, perhaps the presence of lictors was intended to safeguard the proper performance of duties by the curators themselves, as Frontinus subtly suggested.

**Front. De aq. 2,1:** *indecorum tolerabili viro, quam delegatum officium ex adiutorum agere praeceptis, quod fieri necesse est, quotiens imperitia praepositi ad illorum decurrit usum; quorum etsi necessariae partes sunt ad ministerium, tamen ut manus quaedam et instrumentum agentis.*

He lamented that the *curatores aquarum*, although previously esteemed and respected, had lost respect in the society as a result of their deplorable behavior. Their carelessness and lack of commitment to the tasks entrusted to them made them dependent on their subordinates (*procuratores aquarum*), and the office became a symbol of laziness, negligence, and powerlessness.<sup>35</sup> The curators, reluctant to work and indifferent to the public good, may therefore have turned a blind eye to crimes or even failed to record some of them.

<sup>33</sup> Front., *De aq.* 100, 1–2; R. Kamińska, *Cura aquarum w prawie rzymskim*, „Zeszyty Prawnicze” 2010, vol. 10(2), p. 103. For more information on support staff members, see: A. Lintott, *Imperium Romanum. Politics and administration*, New York 2005, pp. 51–52. Also, see: C. Varela Gil, *Los administradores...*, op. cit., p. 33.

<sup>34</sup> Front., *De aq.* 112, 2–7; 114; R. Kamińska, *Zjawisko kradzieży wody publicznej w starożytnym Rzymie*, „Zeszyty Prawnicze” 2014, vol. 14.3, pp. 101–102.

<sup>35</sup> Front. *De aq.* 101, 2; more information can be found in: R. Kamińska, *Procuratores – imperial agents or curators’ assistants?* „Zeszyty Naukowe Uniwersytetu Rzeszowskiego. Seria Prawnicza” 2019, Prawo 27, vol. 108, p. 65.

The first changes in the organization of *cura aquarum* can be seen as early as the end of the second century AD. Emperor Septimius Severus (193–211) who was the ruler at that time, in the first years of his reign, created a new office, *curator aquarum et Minucia*, reserved for former consuls drawn from the *ordo senatorius*.

#### 4. The college of *curatores riparum et alvei Tiberis et cloacarum urbis*

The first college of officials overseeing public waters – with the exception of drinking water supplied by aqueducts, which was the responsibility of the *curatores aquarum* – was composed of the *riparum et alvei Tiberis* curators. It is believed to have been established by Octavian Augustus in 15 BC, but the first confirmed traces of their activity date back to the early rule of his successor Tiberius. In the year 13 BC, Rome was hit by a massive flood. At that time, the authorities embarked on intense work to not only restore the river and its bed to its former condition, but also to safeguard Rome against the possibility of another such event. At that time, the relevant agency, probably *curatores riparum et alvei Tiberis*, was established to prevent and protect the city from river flooding, as well as to efficiently eliminate the effects of floods.

The college of curators was composed of five members. At the head there was a chairman with the rank of a consul, while the other members, also drawn from among senators, were his assistants (*aides curatoris alvei Tiberis*).<sup>36</sup> It seems that, of all the curatorial colleges, the *curatores riparum et alvei Tiberis* were officials of the highest rank. It is therefore very likely that they were granted the same attributes of power as the *curatores aquarum*. Thus, they could, among other things, sit on a curule seat and wear a toga praetexta.<sup>37</sup>

At first, the *curatores riparum et alvei Tiberis* were appointed by lot. It was only during the reign of Emperor Claudius that the draw was replaced by appointment. Two potential

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<sup>36</sup> CIL VI 1267a,b; Dio Cass. 57,14; A. Burdese, *Manuale di diritto pubblico romano*, Turin 1987, p. 170; A. Palma, op. cit., p. 237; A. Kolb, *Die kaiserliche Bauverwaltung in der Stadt Rom*, Stuttgart 1993, p. 27; R. Fischer, *Umweltschützende Bestimmungen im Röm Recht*, Aachen 1996, p. 70; C. Varela Gil, *Los administradores...*, op. cit., p. 29; W. Eck, *Beförderungskriterien innerhalb...*, op. cit., p. 207.

<sup>37</sup> Similarly: K. Kapłoniak, *Urzędy kuratorskie administracji miejskiej Rzymu od Augusta do Dioklecjana*, Krakow 2013, p. 33.

reasons for this change can be identified. The first was the emperor's desire to increase his influence over the composition of the college, and his ability to appoint officials actually gave him a monopoly in this regard. It should be noted that the change in the method of appointment of *curatores riparum et alvei Tiberis* was also reflected in other spheres of their activity. The first and also the most obvious effect was that, while until then they had acted together *ex senatus consulto*, after Claudius' reform they did so only by virtue of the emperor's authority (*ex auctoritate principis*).<sup>38</sup>

The second possible reason for replacing the drawing of lots with the appointment of curators was related to the need to increase the efficiency of their work, especially when one considers how difficult and unpredictable a river the Tiber was. Not only did it flood frequently, but it usually did in the section that flowed through Rome. However, as a navigable river, its importance to the City was immense.<sup>39</sup> Taking care of it was therefore given priority, which was reflected in the raising of the requirements that had to be met by candidates for the office of a curator: they were no longer expected to have only a senatorial background, but had to have real knowledge backed by professional experience.<sup>40</sup> Moreover, under Emperor Claudius, the clerical apparatus responsible for the Tiber was expanded, more specifically, the offices of *praefecti curatorum alvei Tiberis* and *procurator Caesaris ad ripam Tiberis*, which was inferior to the office of *curatores riparum et alvei Tiberis*.<sup>41</sup> Those holding the new office were to be curators' assistants charged mostly with technical tasks.<sup>42</sup> They were recruited from the *ordo equester* and the specific persons holding the office were selected by the curators. In addition to the procurators, the curators were assisted by, among others, scribes, messengers, and accountants.<sup>43</sup>

<sup>38</sup> CIL VI 814; CIL VI 31545; M.E. Cosenza, *Official Positions after the Time of Constantine*, Pennsylvania 1905, p. 35; W. Eck, *Cura viarum und cura aquarum publicorum als kollegiale Ämter im frühen Prinzipat*, KLIO 1992, vol. 74, p. 238; S. Lefebvre, op. cit., p. 98.

<sup>39</sup> Ch. Bruun, *L'amministrazione imperiale di Ostia e Portus*, [in:] eds Ch. Bruun, A.G. Zevi, *Ostia e Portus nelle loro relazioni con Roma*, "Acta Instituti Romani Finlandiae" 2002, vol. 27, p. 162; G.S. Aldrete, *Floods of the Tiber in ancient Rome*, Baltimore 2007, p. 201.

<sup>40</sup> S. Lefebvre, op. cit., p. 102; R. Viganò, *Punti di vista sull'edictum de fluminibus retardis*, « Labeo » 1969, vol. 15, p. 174; A. Palma, op. cit., p. 211; O.F. Robinson, op. cit., p. 90.

<sup>41</sup> L. Homo, *Rome impériale et l'urbanisme dans l'antiquité*, Paris 1951, p. 242.

<sup>42</sup> W. Eck, *Cura viarum...*, op. cit., p. 245.

<sup>43</sup> One of the tombstone inscriptions states that, during his lifetime, the deceased served as secretary or an accountant (?) of a *curator riparum et alvei Tiberis*. See: CIL II 6085: [Aur(elio) Fa]ustino Augusto [rum liber]to, commentar[i]ensi XXXX Gall(iarum), item urbis al[v]ei Tiberis.

The college of *curatores riparum et alvei Tiberis* survived in this form only until the times of the Flavian dynasty, more specifically until the reign of Vespasian in 69–79 AD.<sup>44</sup>

The emperor then abolished the college and replaced it with a one-man office, leaving only its name unchanged.<sup>45</sup> The seat of the curators in Ostia, the largest transshipment port in the Mediterranean at the time, also remained unchanged.<sup>46</sup>

## 5. College of *curatores aedium sacrarum et operum locorumque publicorum*

The determination of the origins and rules for filling the offices of curators responsible for the management of *opera publica*, *loca publica*, *aedia sacra*, and *loca sacra* poses many difficulties, mainly due to their heterogeneity, as can be seen in their very titles.<sup>47</sup> The first mention of these curators comes from Svetonius' *De vita Caesarum*, from the section focused on Augustus.

**Suet., Aug. 37,1:** *Quoque plures partem administrandae rei p. caperent, nova officia excogitavit: curam operum publicorum, viarum, aquarum, alvei Tiberis, frumenti populo dividundi (...).*

When describing the political activities of the first princeps, the biographer emphasized his involvement in the formation of the new bureaucratic structure. As he explained, wanting to allow more citizens to participate in the governance of the state, he created new offices and assigned them tasks involving the supervision of public buildings, roads, water, the channel of the Tiber, and the distribution of grain to the people.<sup>48</sup>

Information about the person who most likely was the first curator for public buildings and buildings used for religious worship is provided, as in many other similar cases, by the contents of an inscription. The one quoted below is the oldest

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<sup>44</sup> J. Le Gall, *Il Tevere di fiume Roma nell'antichità*, Roma 2005, pp. 168–169.

<sup>45</sup> A. Palma, op. cit., pp. 237, 239; G. Tomás, *Limitations à la propriété riveraine et libre navigation fluviale*, RIDA » 2001, vol. 48, p. 363; A. Palma, op. cit., pp. 237, 239.

<sup>46</sup> G.S. Aldrete, op. cit., p. 201.

<sup>47</sup> See: K. Kapłoniak, op. cit. p. 37; after counting all the curators of public buildings and buildings related to religious worship, the author concluded that there was probably no single official name for that office.

<sup>48</sup> R. Kamińska, *Augustus nova officia...*, op. cit., p. 15.

original text in which this curator appears, specifically the *curator aedium sacrarum monumentorumque publicorum tuendorum*.

**CIL IX 3306 = ILS 932:** *Q(uinto) Vario Q(uinti) f(ilio) / Gemino / leg(ato) Divi...*

The inscription mentions Quintus Varius Geminus, a native of Superaequum, who assumed the said office in the year 14 AD while still holding the rank of a praetor. There are many unanswered questions pertaining to that office, and answering them is complicated by the most serious obstacle, namely the lack of source texts. Thus, the question that must remain unanswered, at least unequivocally, is first of all the question of whether the fact that a person who had not yet held the office of a consul became a curator was a precedent, or whether the rank of a praetor was considered sufficient.<sup>49</sup>

German researcher Werner Eck tried to explore this problem.<sup>50</sup> Tracing the reforms of the first princeps, he got the impression that they often resulted from his spontaneous decisions, dictated by the immediate need, than a predetermined plan. Augustus' sometimes chaotic manner was perhaps also due to the current political and social situation. This argumentation works well with regard to the case of Geminus, who assumed the office of *curator aedium sacrarum monumentorumque publicorum tuendorum* while still in the rank of praetor. Incidentally, this took place in the same year that Emperor Tiberius took power in Rome. Regardless of whether his actions were to prove in the future more orderly than those of his predecessor, he was only a novice ruler at that point. If one adds to this the urgent need to establish an office in charge of construction, the fact that the first curator became a former praetor is hardly surprising. On the other hand, it is almost certain that from the very beginning, this position was reserved exclusively for those who came from the *ordo senatorius*.<sup>51</sup> Nevertheless, the name of the office, *curator aedium sacrarum monumentorumque publicorum tuendorum*, directly indicates the scope of his duties, which focused on the maintenance of buildings dedicated to the worship of deities and public monuments.<sup>52</sup>

<sup>49</sup> M.E. Cosenza, op. cit., p. 39.

<sup>50</sup> W. Eck, *Beförderungskriterien innerhalb...*, op. cit., p. 208.

<sup>51</sup> A. Kolb, *Die kaiserliche...*, op. cit., p. 31; C. Varela Gil, *Los administradores...*, op. cit., p. 29.

<sup>52</sup> A. Kolb, *Die curae in Rom – Aufgaben, Kommunikation, Vernetzung innerhalb der Stadtverwaltung und das Beispiel des Adrastus, procurator columnae Divi Marci*, [in:] *Die Verwaltung der Stadt Rom in der Hohen Kaiserzeit. Formen der Kommunikation, Interaktion und Vernetzung*, Hrsg. K. Wojciech, P. Eich, München 2018, p. 201.

The second unanswered question concerns the nature of the office of *curator aedium sacrarum monumentorumque publicorum tuendorum*, that is, whether it was a one-man or collegial office. Based only on the content of the inscription quoted above, which includes the name of the first curator, it is very difficult to draw a clear conclusion on this matter. Indeed, it cannot be ruled out that Quintus Varius Geminus was the head of the college, and therefore the highest-ranking official on the team, and therefore only his name was mentioned in the inscription, which was actually founded in his honor.<sup>53</sup>

It is certain, however, that from the time of Emperor Tiberius, there was a collegiate office responsible for public places. During his rule, the first curators of *locorum publicorum iudicandorum* were appointed, who were fully independent of the *curatores aedium sacrarum monumentorumque publicorum tuendorum*.<sup>54</sup> That college consisted exclusively of representatives of the *ordo senatorius* – a chairman with the rank of consul and four lower-ranking members.<sup>55</sup> The committee was tasked with protecting the *locorum publicorum* property. The curators could therefore decide, among other things, to demolish buildings illegally erected in a public place or order a stop to their further construction.<sup>56</sup> *Curatores locorum publicorum iudicandorum* acted independently most likely until the time of Claudius. Only as a result of his administrative reform were their tasks taken over by curators for public buildings.

The opinion of German researcher Anne Kolb, who sees the reason for the gaps in our knowledge of these officials precisely in their disappearance from the political scene is important in the discussion concerning *curatores locorum publicorum iudicandorum*. She rightly states that some of the most valuable sources of information about curatorial colleges during the Principate period include the works of ancient historians, most importantly Svetonius. This is where the researcher sees the essence of the problem. She supposes that the fact that *curatores locorum publicorum iudicandorum*

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<sup>53</sup> K. Kapłoniak, op. cit., p. 165.

<sup>54</sup> Differences also exist in modern literature. According to W. Eck, *Cura viarum...*, op. cit., p. 240, the office of *curatores locorum publicorum iudicandorum* was already in existence in the year 20 BC. On the other hand, E. De Ruggiero, *curator locorum publicorum iudicandorum ex s.c.*, [in:] *Dizionario epigrafico di antichità romane*, Rome 1961, p. 1327, believes that this office was established only during the reign of Tiberius. Similarly: A. Kolb, *Die kaiserliche...*, op. cit., p. 28.

<sup>55</sup> CIL VI 1266, 1267a,b; ILS 3842; W. Eck, *Cura viarum...*, op. cit., p. 242.

<sup>56</sup> A. Kolb, *Die curae in Rom...*, op. cit., p. 203.

ended their activities under Claudius may have been the reason why there is no mention of them either in the *Lives of the Caesars* or anywhere else.<sup>57</sup>

As a result of the Claudian reforms, the *cura aedium sacrarum* and the *cura operum publicorum* were separated within the clerical *cura urbis*, resulting in the emergence of new offices, one of which, *curator aedium sacrarum*, specialized in the protection of religious sites, and the other, *curator operum publicorum*, was charged with the protection of secular public sites.<sup>58</sup> Together they formed a single college of curators: *aedium sacrarum et operum locorumque publicorum*. To become its member, the candidates were required to have the rank of a consul.<sup>59</sup> The term of office of the college was one year.<sup>60</sup> Presumably, the *curator aedium sacrarum et operum locorumque publicorum* was the first curatorial office that could be held immediately after the consulate, which would suggest that it was the lowest of all curatorial offices.<sup>61</sup> It was not included in the *cursus senatorius* until the reign of Emperor Hadrian (117–138 AD).<sup>62</sup>

The Claudian reforms thus led to the consolidation of the somewhat scattered duties of government officials responsible for public buildings and buildings associated with religious worship. Their effectiveness can be evidenced by the fact that the college in the form established by Claudius existed until the reign of Diocletian (284–305 AD). It was reorganized only in connection with the reforms Diocletian introduced in the public administration, which, incidentally, were part of the cycle of political and political transformation.

<sup>57</sup> Ibidem.

<sup>58</sup> CIL III 10336; VI 1854, 31338a (=ILS 452); ILS 1080; A. Palma, op. cit., p. 221; Ch. Bruun, *Die Historia Augusta, die Proskriptionen des Severus und die curatores operum publicorum*, "Arctos" 1990, vol. 24, p. 10, note 22.

<sup>59</sup> A. Kolb, *Die kaiserliche...*, op. cit., p. 29.

<sup>60</sup> CIL VI 41075. Also, see, among others: Suet., *Vit.* 5, Tac. 1,52; 1,70 (Vitellius, later an emperor); CIL XIII 9082 = ILS 5832 (Cneius Cornelius Clemens); CIL VI 814 (Titius Flavius Sabinus); K. Kapłoniak, op. cit., p. 167; A. Kolb, *Die kaiserliche...*, op. cit., p. 31; Ch. Bruun, *Die 'Historia Augusta'...*, op. cit., pp. 10–11; A. Palma, op. cit., p. 225; K. Kapłoniak, op. cit., p. 166ff;

<sup>61</sup> G. McNeil, *Latin Historical Inscriptions illustrating the History of the Early Empire*, Oxford 1893; W. Eck, *Beförderungskriterien innerhalb...*, op. cit., p. 207; A. Kolb, *Die kaiserliche...*, op. cit., p. 68; C. Varela Gil, *El estatuto jurídico del empleado público en derecho romano*, Madrid 2007, p. 124; S. Lefebvre, op. cit., p. 96, [http://www.archive.org/stream/latinhistoricali00rushrich/latinhistoricali00rushrich\\_djvu.txt](http://www.archive.org/stream/latinhistoricali00rushrich/latinhistoricali00rushrich_djvu.txt) (date of access: 4.08.2023).

<sup>62</sup> Ch. Bruun, *Die 'Historia Augusta'...*, op. cit., p. 12.

## 6. Conclusion

The end of the 1st century BC and beginning of the 1st century AD in the Roman Empire was marked by reforms, which discreetly but firmly and consistently aimed at replacing the republican order with a new one. During the first half-century of the Principate, and especially during the reign of its founder, new officials appeared on the political scene, whose duties were very often modeled on those of the republican *magistratus*. Among these new public officials there were curators, who were responsible for the order in Rome and for taking care of its infrastructure. Although some curatorial offices were established still in the times of the Roman Republic, Augustus and his successors gave them a new form that was appropriate for the new political system of the Roman state. Officials, including *curatores*, were appointed and dismissed by the ruler and were accountable only to him. All curators performed their duties within colleges.

During the historical period under review, Rome grew rapidly, in terms of both territory and population size. Therefore, leaving aside the purely political aspects, it is difficult to imagine that censors and aediles would still be able to take care of a city with one million inhabitants.<sup>63</sup> This seems all the more unrealistic because overseeing infrastructure was not their only task. The creation of new positions staffed by specialists in the respective field was therefore essentially necessary. Giving these offices a collegial form was expected to and could improve the efficiency of their work. There is no doubt that collegiality distinguished curators from other imperial offices, which were, as a rule, one-man offices. What could have been the reason that the *curatores* worked in teams then? Certainly one of them was the desire mentioned by Svetonius (Suet., *Aug.* 37,1) to ensure that as many citizens as possible participate in the governance of the state.

However, it is hard not to see the political context here. Prefectures, which were the most important offices, were filled with candidates from the *ordo equites*. This was in line with Augustus' intention to base his rule on this social stratum. However, since it was too risky to omit people of senatorial origin altogether, especially during the construction of the new regime, entrusting them with curatorial positions may have been an expedient solution. Admittedly, their role was much smaller compared to prefects, but there were quite a number of positions to offer, thanks in part to the collegial form of these offices. Also, the prefects, with the sole exception of the *praefectus urbi*, were recruited from the

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<sup>63</sup> S. Ruciński, *Czy starożytny Rzym był milionowym miastem?*, „Meander” 2007, vol. 3–4, p. 294ff.

ranks of the equites, which was an integral tenet of the policy of the first princeps. Placing the offices of curators in the hands of the *ordo senatorius* was therefore a good opportunity to compensate them for depriving them of power.

In the Principate, all curatorial offices responsible for taking care of the City were held collegially. However, they differed in size, as well as in the rules of the division of responsibilities within each office, which was primarily due to the specific tasks assigned to each office. The common features of all colleges include the hierarchical structure of each college, which is reminiscent of the arrangement of authority in Rome in the times of the Principate. Each college was headed by a chairman with the highest official rank, while the other members were subordinate associates. However, each was responsible only to the emperor. Another common feature was the method of appointment and dismissal of the *curatores* and the source of their duties, which they took over from the *magistratus*, especially from censors and aediles.

Although the *collegialitas* principle can be called a feature common to both republican offices and imperial colleges of curators, the way it was implemented was markedly different: from the number of officials and the way they were appointed and dismissed, to the practice of assigning tasks to them and the method of holding them accountable. There is no doubt that the structure of the colleges was heavily influenced by political needs. Leaving aside these motives, however, it seems that the method adopted for the organization and functioning of the institutions that took care of Rome during the first half-century of the Principate was a valid and adequate solution, which is particularly evidenced by the fact that the colleges of curators established at that time existed almost until the end of the period.

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► SUMMARY

### Appointment to and Holding of Collegiate Offices in the Early Principate Using the Example of Curatorial Colleges

With the assumption of power by Octavian Augustus in 27 BC, a period of breakthrough political, legal, and administrative reforms began in Rome. The first princeps, although he did not officially abolish the republican magistrates, gradually and consistently stripped them of their powers and transferred them to his imperial officials. These included curators specializing in the management and supervision of urban infrastructure. Individual curators were already known in the times of the Roman Republic, but colleges of curators were only established on Augustus' initiative. Thus, the supply of drinking water to Rome was supervised by *curatores aquarum*, while the waters of the Tiber, its banks, and its channel were supervised by *curatores riparum et alvei Tiberis*, later renamed *curatores riparum et alvei Tiberis et cloacarum urbis*.

The condition of public places and places associated with religious worship, on the other hand, was taken care of by *curatores aedium sacrarum et operum locorumque publicorum*, while the condition of suburban roads – by *curatores viarum*. Given the range of responsibilities associated with the broadly defined care of the city, the appointment of colleges of several people made up of experts in particular fields seems reasonable, especially in the early 1st century AD, when Rome was already an overcrowded metropolis.

The second factor that influenced the establishment of the colleges regarded political motivations. Caesar Augustus intended to base his rule on cooperation with the equites, and it was to them that he entrusted the most important offices in the state. Not wanting to completely deprive the *ordo senatorius* of power, he decided that they would occupy the offices of curators in charge of Rome's infrastructure. The collegiate nature of imperial offices significantly differed from that of republican magistrates. Unlike the latter, the colleges of curators were more numerous – each consisted of three to five members – and were internally hierarchical. The number and allocation of duties was influenced, at least to some extent, by the category of cases assigned to each college. This matter, as well as the appointment and dismissal of curators, and holding them accountable for their function, was the sole prerogative of the emperor. The establishment of collegiate offices in the early Principate appears to have been the outcome of a number of different circumstances, from strictly political to those that met the real needs of the City. And the long period of existence of the curators' colleges established in the first half-century of Caesar Augustus' reign clearly proves that their establishment was the right decision.