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The Roman Inns and the Law
The Inns of Ostia

Two puzzling phenomena face an observer of Roman city life of the first century of the Christian era: a) the seemingly erratic Roman legislation about restaurants and inns, and b) the fundamental difference in appearance between an inn in Herculaneum-Pompeii and one in Ostia. Although the time-gap between the latest taverns of Herculaneum-Pompeii and the earliest in Ostia may be less than fifty years, they seem to serve different purposes: while the counters of the inns of Herculaneum-Pompeii all have big, built-in storage jars, the counters of Ostian inns have bare tops but built-in basins on the floor level (Figs. 1 and 2).

That there is a close relationship between Roman legislation and the change in appearance of the taverns seems quite likely.

I. Imperial Legislation

The official Roman attitude towards the inns was anything but friendly. What is most conspicuous is the severe limitations which were put on the kind of food which could be sold in the taverns. Tiberius (Suet. *Tib.* 34) decreed that the price of foodstuff should be controlled and that restrictions should be placed on *popinae* and *ganeae* to the extent that not even baked goods could be sold there.

Claudius is said (Cassius Dio 60.6.6-7) to have dissolved *collegia* which had been allowed by Gaius, and in order to attack the evil at the root he closed the taverns where college members used to meet and drink; he further promulgated the law that cooked meat and hot water could not be sold. This last provision, outlawing hot water and meat, would presumably refer to the inns and hotels where the colleges did not meet. In this context Tönnes Kleberg[1] quotes the incident told by Suetonius (*Claud.* 38.2) about Claudius' renters who sold cooked wares (*cocta*) and were punished by the aedile. The story, however, does not necessarily refer to an infraction of this particular law.

Regarding Nero, it is said by Suetonius (*Nero* 16) as well as by Cassius Dio (62.14.2) that he would not allow any other cooked food but vegetables and cabbage to be sold in the *popinae* where previously all kinds of meat were available. This indicates that Nero repeated Claudius' prohibition. Under Vespasian (Cass. Dio 65.10.3) the same law was confirmed, and we are informed that specifically only peas and beans could be served.

Our information about these laws is, of course, very limited and lacks detail. Tiberius took action against *popinae* and *ganeae*, both of which were eating places, and decided that not even bread and pastry could be sold. Kleberg points out that *popina* is the word for a place where prepared food, including wine, is sold.[2] *Ganea* has a similar meaning but has lower standards than a *popina*. *Caupona* was at the same time hotel and restaurant, and after the word acquired a bad implication it was replaced by *hospitium* when used in the meaning of hotel, and by *taberna* as a place for wine sales.[3]

Tiberius' provisions can only mean that while the activities of *popinae* and *ganeae* were restricted, the *cauponae* and similar establishments could still cater to the public and that the hotels continued to be unrestricted. Some public services are too vital to be completely shut down. Claudius went one step further, and in a radical move closed down some taverns and outlawed meat and hot water in others. The move may have been temporary since Nero reintroduced or

confirmed the law, which now will allow only vegetables and cabbage to be sold; this is also the content of Vespasian's legislation: it is mainly the preparation and sale of meat which is being prohibited. But to what extent this law was enforced, whether it governed all or just some specific type of inns, is unclear.

It is only fair to raise the question whether these laws would be in force in all the Empire, or in all of Italy, or just in Rome. Rome has a special status in many respects. The right of association, for instance, is much more limited than elsewhere, and it might well be that for the sake of peace in Rome only the capital was subjected to these restrictions.

If a conclusion *e silentio* is acceptable, the finds in Herculaneum indicate that the tavern-keepers observed Vespasian's laws. During excavations remains have been found of the merchandise which was sold in the taverns. *Insula* IV.10-11 has produced insect-infested, carbonized grain in a big counter *dolium*.[4] *Insula* V.6: beans and peas in counter *dolia*.[5] *Insula* V.10: grain deposits found in an upstairs store room over the inn.[6] *Insula Orientalis* II.13: grain, chickpeas and beans in counter *dolia*.[7] Grain, peas and beans, but never meat. On the other hand, bones and eggs are found in several places outside the taverns.[8]

Why meat in particular would be prohibited is not too clear, *per se*: ancient medical, agricultural, and culinary literature gives no indication that meat would have a special position. The price is not particularly prohibitive, either. It is true that Diocletian's Price Edict belongs to a much later time, but in the main it gives a reliable picture of the proportionate price levels: while wheat is 100 den. a bushel and beans and peas are 60 den., pork at 12 den. a pound, beef at 8 den., and kid and lamb at 12 den. is no luxury. Vegetables were proportionately cheaper, as today, and it was of course cheaper to make up a meal with cabbage and beets at 5 for 4 den.[9]

II. Political Motives of the Legislation

Erratic as it seems to be, Roman legislation can only be accounted for if one considers the political motives behind it. A key witness for the understanding of the problem is Philo, *legatio* 311-12, where it is said of Augustus that "he ordered the Jews alone be permitted to assemble in synagogues. These gatherings, he said, were not based on drunkenness and disorder, they did not create conspiracy and did not endanger peace but were schools of temperance and righteousness. . . ." This states the philosophy behind the very restrictive policy against the taverns: the taverns were social centres, and when wine had loosened the tongue they became breeding grounds for political conspiracies. There is often talk about the closing of inns. Mention has already been made of the closure ordered by the emperor Claudius (Cass. Dio, 60.6.6-7), and to illustrate the official attitude further it may be enough to refer to the tribune Clodius' earlier activity in Rome. In January of 58 B.C. Clodius introduced a law which legalized all the clubs and associations that had been outlawed five years before by Cicero. From that moment on the *collegia* were used as a front for the organization of armed gangs, a development which led to the state of lawlessness so well illustrated by the tragic fights between Clodius and Milo.[10]

To Kleberg the restrictions that were laid upon the inns are part of a great scheme to introduce social improvements.[11] The deeper motive, however, was very likely political: the restrictions would limit the usefulness of the inns to the public and, consequently, make them less attractive as social centres. The fear of all organizations and assemblies was very great. In a famous correspondence between Trajan and Pliny (*Ep.* 10.33; 34) Pliny asks permission to organize a fire brigade in Nicomedia. Despite the recent sufferings of the inhabitants of that city the emperor refuses. He considers similar organizations potentially very dangerous and tells Pliny so.

When the emperor can deny the citizens of Nicomedia a

fire brigade for political reasons, he can for the same reasons deny Roman citizens the benefit of hot meals or meat in their inns.

After Vespasian there is no mention of Roman legislation about inns until a much later date. The Roman emperors may have attained the goal of their legislation. The fact that we hear about successive confirmations of prohibitions under Tiberius, Claudius, Nero, and Vespasian is not in itself an indication that the law was held in contempt and had to be repeated, as Kleberg is inclined to believe.[12] What we see are several re-writings of the law, each of which modifies its regulations. It would be equally wrong to claim that Vespasian's law did not apply later simply because we do not hear about it.

The prohibitions of Claudius and his successors seem to have taken hold: according to Cassius Dio (60.6.6-7) it was Claudius' idea that it would be unrealistic simply to close some of the taverns unless he at the same time tried to change the habits of his people. In fact, the emperors do seem to have changed the habits of the Roman people.

While in the inns of Herculaneum-Pompeii the characteristic food jars are built into all counters, these same jars are missing altogether in the counters of Ostian inns. One might conceivably infer from this that the sale of food had become less important, and that the legislation had forced the dinner guests out.

III. Where did the Roman Commoner Eat?

Kleberg sees a social scheme behind the restrictions on inns: When the emperors took the food away from the inns, they gave at the same time better houses to the Roman lower classes. Originally, he argues, the miserable living quarters of the humble Roman did not even have a place to cook in, and in the German edition of his book he mentions that in many cases portable braziers may have been used.[13] But this miserable life was improved by the new look of Roman city architecture. New Rome, as it was built by Nero on a

well-prepared plan, gave good and adequate housing to the Romans "with a possibility of having fireplaces and of cooking their food." Also, he stresses the importance of the *thermae*, which were hygienic establishments as well as social centres.

Unfortunately there is not much evidence of kitchens or fire-places in Ostia. There are only two kitchens in Ostia, both in the same house (Casa delle volte dipinte). Kleberg's countryman and teacher Axel Boëthius was of the opinion that humble Romans in the cities must have eaten out, – or they could buy hot water in the restaurants for use at home. He referred to Rotterdam, where he had seen hot water being sold from the restaurants in the working class area.[14] The eating place is a problem of concern also to H. T. Rowell: he thinks that the obvious lack of kitchens in Ostia perhaps was offset by the existence of so many guilds (*collegia*), which all had eating facilities in their meeting places. The guilds, however, were under just as heavy restrictions and close supervision as the inns: They were mostly restricted to one or a few meals every month[16] and cannot have offered stable, regular facilities.

The truth is that the common man ate at home, and there are clear indications where the dining area was. The central room in the Roman apartment, as it is known to us from Ostia and Rome, was the *medianum*.[17] The *medianum* was shared by everybody who shared a Roman apartment. From the *Itala* we have two examples of the use of the word *medianum* to designate a dining room. When two disciplies are sent into Jerusalem to find a place for the Last Supper, they are told by Jesus that a man with a pitcher on his shoulder will lead them to a *medianum* where they all can have their supper. (Luke 22.12: *ille vobis ostendet maedianum stratum magnum* and Mark 14.15: *ipse vobis ostendet locum medianum stratum in superioribus magnum.*)

The language that we are confronted with in this place is the language of humble Romans of the second century. When the dining place is called *medianum*, it is simply because the *medianum* was the place where the humble apartment

dweller ate and prepared his meals. He prepared it, of course, on the portable charcoal brazier that had been with the Romans since prehistoric times.

IV The Inns of Ostia

If the inns of Ostia were not allowed to serve meals to their clients, what could they offer?

A study of the remaining inns in Ostia will partly answer that question. There are not too many places in Ostia which can be identified as inns, with absolute certainty. Many of the certain marks and criteria are vanishing. The cement and rubble counters of the tavern-inns crumble away as they are exposed to the climate, to the rich weed growth, and to the yearly hay-cutting. There are places which have nearly disappeared today. Kleberg, in the French edition of his book, has listed an inn Reg. II.ii.3, because there was a counter with a water basin.[18] Today there is only a low pile of rubble to be seen in a corner. What Kleberg calls a "fourneau" and "tuyauterie" has also disappeared. The counter as shown in the plan of the official publication[19] is no different from the drinking fountains which can be observed in the vestibules of Casa di Bacco e Arianna Reg. I.xvii.5 and of Reg. V.iii.1. The latter two places may have been college seats. In the Pianta delle regioni are indications of counters with water basins in Reg. V.iv.1 on the corner of Via dell'invidioso and Semita dei cippi, in Reg. I.xvii.5, corner of Via della foce and Via del Serapide, and in Reg. IV.v.7 and 10, but very little or nothing at all is left of the construction in those locations, not enough at any rate to tell what there was. Moreover, identifications may be difficult: Kleberg's no. 10 is given as "Reg. III.8 à 50 m. environ de la Porta marina."[20] He is probably referring to one of the taverns in Reg. III.vii.3, but which one? There are six taverns in the neighbourhood of Porta marina. Kleberg's no. 14[21] is in Reg. I.xii.10, not in Reg. IV. A great help in the work in Ostia is the excellent Pianta delle regioni in *Scavi di Ostia* I, but here, too, there are pitfalls. There is no consistency in the

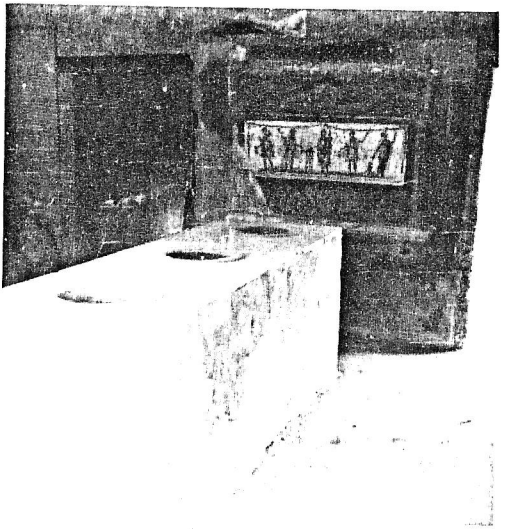

Fig. 1 Pompeian tavern.

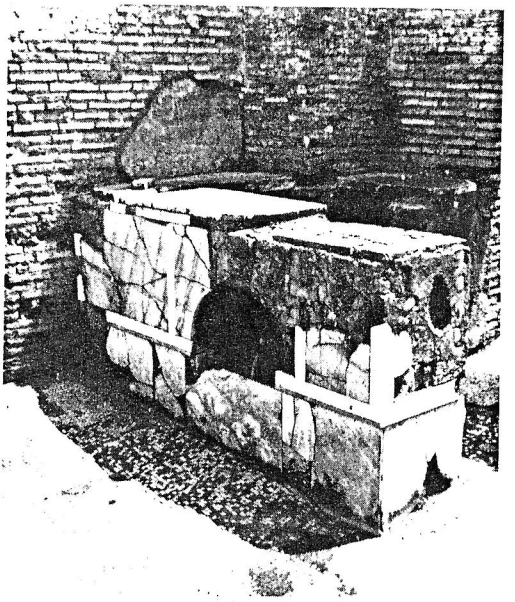

Fig. 2 Ostian tavern.

way in which the counters are indicated. For instance, the counters in Caupona del pavone (Reg. IV.ii.6), in two taverns north of Terme del faro (IV.ii.3), and on the Decumanus (Reg. II.ix.2) represent three different ways of drafting the same type of counter.

The criteria which identify a shop as a tavern are, first, the special counter with the basin at the bottom. The special water basin by itself is not enough for identification, because drinking fountains of similar shape are found in places where many people come and go. Those fountains are mostly built up against a wall. When, however, it is combined with the stepformed shelves for glasses, the identification is more sure. This is particularly true if it is found in one single room with an open front on the street. Moreover, when remnants of foundations of water heaters are found, or where fragments of mortars can be recognized, the identification is quite reliable.

The counter that we now consider so characteristic of Ostian taverns is proved by an ancient grave relief to be an important part of a tavern (see fig. 3). The relief shows to the right two customers at a table, one drinking out of a glass, the other reaching for a glass brought to him by the barmaid. To the left is shown the tavern counter with water basin. Over the counter are three shelves built stepwise against the

Fig. 3 Relief of sarcophagus from Isola Sacra showing Ostian tavern. Counter and shelves for glasses to the left.

wall, glasses on the two upper shelves, glasses and jars on the lower one.

The tavern counters in Ostia are covered with marble slabs on the top and on the sides. The opening at the bottom of the counter is built as a barrel vault, which goes all the way through the counter; the lower part of the vault is closed with marble slabs at both ends to form a basin. Pierre Grimal describes this arrangement as "a counter covered with marble above a charcoal stove on which the food was cooked within sight of the customer."[22] There is, however, no doubt that the basin was meant for water. In the first place, a waterpipe was found in the counter of the inn in Via di Diana.[23] In the second place, basins where people could dip water for drinking and washing were constructed in that manner. They are especially found in busy places: in the entrance to Terme della Trinacria, in Terme della basilica, in the west end of the Portico di Nettuno, in the Tempio collegiale (Reg. V.xi.1), and in the latrine of the domus della Fortuna annonaria. In the third place, the counters in some inns have holes through their sides to accommodate waterpipes. In the inn in Cas. dell'Ercole shop no. 8, Reg. III.ii.3 the floor has been broken up to repair the pipe and the mosaic floor has been relaid in a less careful way. In the inn of Alexander Helix, Reg. IV.vii.4 a similar repair of the floor can be seen, with a piece of lead pipe left in the side of a basin in the middle of the room. In the fourth place, the tavern in shop no. 21 of Cas. dell'Ercole, Reg. III.ii.3, gives additional evidence. In the southeast corner of this tavern is a brick counter, which is built against the wall, with three shelves in a steplike pattern on top (fig. 4). Below is the whole body of a counter, with the difference that the vault and the basin are missing. In this case a solid brick wall goes straight down from the shelves to the floor. There was apparently no basin in the counter because it was not needed in this tavern: Next to the counter on the right is a well out of which water could be drawn.

The basins must have been the main water supply of the inns. From here was taken the water for the *calda* to mix with wine, to make *conditum* or whatever mixture was

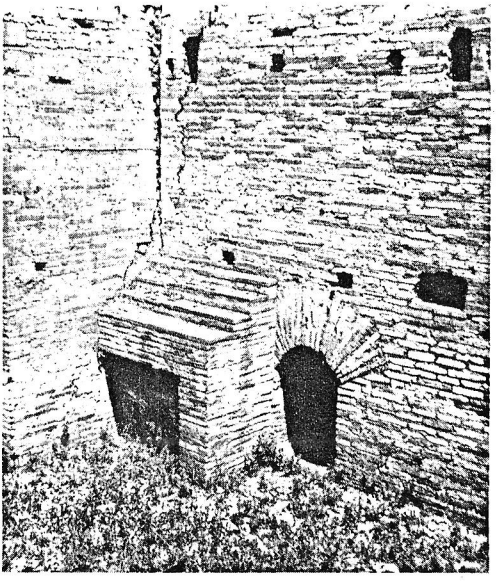

Fig. 4 Ostian tavern with shelves, but no water basin. Water was drawn from the vaulted well to the right of the counter.

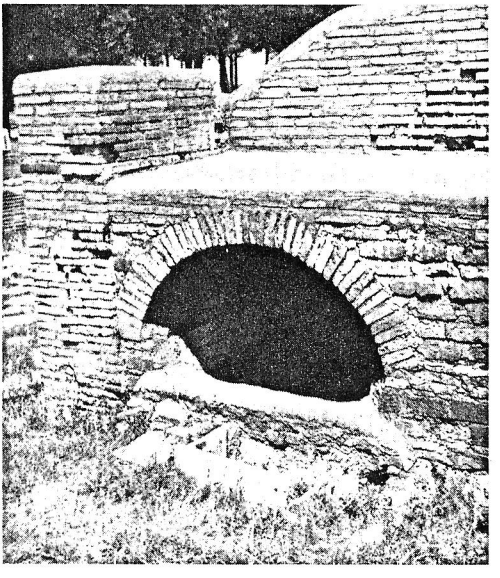

Fig. 5 Ostian tavern basin with overflow basin in front.

needed. Water, in antiquity as today in modern Roman bars, was the commodity most often sold. I do not think Russell Meiggs' suggestion that the basins were for washing glasses and dishes can be universally applied.[24] Was much dish-washing actually done? Again, an arrangement like the one in the tavern on Via delle corporazioni (Reg. II.vi.5) shows a tendency to keep the two operations apart: from an inner basin the water flows over into an outer one (fig. 5), the inner one being for consumption, while the overflow basin could be used for washing glasses. Glasses were not washed in drinking water. One can see similar divisions in Via tecta degli aurighi, Reg. III.xiv.1, and in domus della nicchia a mosaico, Reg. IV.iv.2.

The next thing of importance is the mortar. This was necessary to mince the pepper which was part of the *conditum*.[25] Pliny gives a short definition (*NH* 14.108) . . . *Aromatiten quoque invenio factitatum . . . nardi etiam et malobathri selibris in musti congios duos additis qualia nunc quoque fiunt et melle addito, quae alii condita, alii pipenta appellant*, and the word is often mentioned and explained in Roman medical literature. Vegetius (*Mulomedicina* 3.8.6) speaks of *conditum bene piperatum*. This mixture of wine, honey and pepper was a standard drink in Ostian taverns and in other taverns of the Empire, and, consequently, mortars must have been standard equipment. Mortars, or fragments of them, are found in several taverns in Ostia and help to identify places where identification otherwise is unsure.

V. List of Ostian Inns

On the basis of the criteria mentioned above, the following list of inns can be made:

1. I.xvi.1, room 18, (first door N. of stairs in Via delle terme del Mitra). Rubble pile where counter was. Marble slabs which formed the water basin. Fragments of mortar.
2. I.xvi.1, room 15, (fourth door N. of stairs). Basin w. shelves against the wall.

3. I.ii.5, room 18-19, (Termopolio in V. di Diana) Kleberg no. 1.[26]

4. I.x.2 corner of Decumanus and V. del pomerio. Counter w. basin; an extra well.

5. I.iii.1, room 16, Western taberna in C. dei molini. Counter w. basin.

6. I.iii.1, room 17, Eastern taberna in C. dei molini. Counter w. basin; heater foundation.

7. I.xii.10, room 12, (corner of Cardo maximus and Terme del foro). Kleberg no. 14.

8. II.ix.2, room 21, (second door from W. on Decumanus). Counter w. basin.

9. II.vi.1 Caupona di Fortunatus. Kleberg no. 7.

10. II.vi.5 V. delle Corporazioni. Kleberg no. 8. See fig. 5.

11. II.v.1 tavern at entrance to Caserma dei vigili. Kleberg no. 5.

12. II.v.1, second tavern at Caserma dei vigili. Kleberg no. 6.

13. II.ii.6, room 4. (in Portico del tetto spiovente, fourth shop W. of Mithraeum.) Kleberg no. 4.

14. II.ii.3. Kleberg no. 3.

15. III.xvii.5, room 9, corner shop N. of C. di Bacco e Arianna. A counter is clearly indicated on the Pianta generale, but little is left *in situ*.

16. III.xiv.4, room 10. (Annio's corner.) Counter w. basin looks likely, from Pianta generale. Counter top missing as in Alexander Helix' tavern.

17. III.xiv.1, room 18. (Corner across from Casette tipo.) Counter-shelves w. basin.

18. III.v.1, room 3. (N.W. corner of C. delle volte dipinte.) Kleberg no. 9.

19. III.vii.3, room 2. (Two doors N. of entrance to domus fulminata.) Counter-shelves w. basin.

20. III.vii.3, room 6. (one door S. of entrance to domus fulminata.) Counter-shelves w. basin.

21. III.x.2 decorated room in Terme dei sette sapienti (see G. Calza in *Die Antike* 15, 1940, pp. 99-115).

22. III.i.10, room 1. Counter w. basin standing out from

wall in traditional pattern; lead pipes leading up to it; drain under wall into next room; 4 rooms, w. mosaic floors, seem to have belonged together. A second counter w. basin outside north wall may have been part of same plant; fragment of lead pipe in wall of second basin. Not in Pianta delle regioni, *Scavi di Ostia*, I, Rome 1933.

23. IV.vii.4, room 1. Caupona di Alexander Helix. Kleberg no. 13.

24. IV.vii.3, room 2, (the middle shop). Remains of counter, marble slabs forming water basin.

25. IV.vii.2, room 20. (8th door from S.) Counter w. vault w. marks of basin.

26. IV.vii.2, room 9, (15th door from S.) Rubble remains of counter, half a mortar.

27. 27. IV.vii.2, room 5, (17th door from S.) Marble slabs forming a water basin.

28. IV.ii.6, room 10, Caupona del pavone. Kleberg no. 11.

29. IV.ii.2, room 3, (1st door N. of entrance to Terme del faro). Kleberg no. 12.

30. IV.ii.2, room 8 (5th door N. of entrance to Terme del faro). Counter w. basin.

31. IV.ii.2, room 21, (13th door N. of entrance to Terme del faro). See fig. 4.

32. V.iv.1, room 1. Pianta generale shows usual counter and bench. Nothing left *in situ*.

There is evidence of about thirty-two taverns in Ostia. The original number must have been considerably higher. Many taverns have had counters and other equipment in wood, which now has disappeared. The densest concentration of inns is around the Porta marina, outside which Aurelian's forum may have been located.[27] Elsewhere they are found in the busy sections of the city. The pattern which is known from Pompeii is repeated in Ostia.

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NOTES

1. Tönnes Kleberg, *Hôtels, restaurants et cabarets dans l'antiquité romaine*, Uppsala, 1957, pp. 101-2.
2. Kleberg, *Hôtels*, p. 17.
3. Kleberg, *Hôtels*, p. 27.
4. Amadeo Maiuri, *Ercolano. I nuovi scavi*, 1927-58, 2 vols., Rome, 1958, I, p. 432.
5. Amadeo Maiuri, *Ercolano*, I, p. 402.
6. Amadeo Maiuri, *Ercolano*, I, p. 251.
7. Amadeo Maiuri, *Ercolano*, I, p. 465.
8. In the Museo Nazionale, Naples. Cf. J. J. Deiss, *Herculaneum*, New York, 1966, 3.18.156.
9. E. R. Grocer's edition of The Edict in Tenney Frank, *An Economic Survey of Ancient Rome* V, pp. 318-37.
10. About Clodius and the *collegia*, see e.g. David Stockton, *Cicero*, Oxford, 1971, p. 187. Kleberg, *Hôtels*, p. 103.
11. Tönnes Kleberg, *In den Wirtshäusern und Weinstuben des antiken Rom*, Darmstadt, 1966, p. 46.
12. Kleberg, *Wirtshäuser*, p. 40.
13. Kleberg, *Wirtshäuser*, p. 44.
14. Kleberg, *Hôtels*, pp. 10, 53, 55-56: A. Boëthius, *De nya utgrävningarne i Rom*, Stockholm, 1931, p. 52; T. Kleberg, *Värdshus och värdshushiv*, pp. 67, 70-71, 129 and n. 1.
15. *AJA* 62, 1958, p. 124.
16. J. P. Waltzing, *Étude historique sur les corporations professionnelles*, Louvain 1895, I, p. 325.
17. *Phoenix* 24, 1971, p. 342.
18. Kleberg, *Hôtels*, p. 43, no. 3.
19. *Scavi di Ostia* I, Rome, 1953, Pianta delle regioni, section 5.
20. Kleberg, *Hôtels*, p. 46.
21. Kleberg, *Hôtels*, p. 47.
22. Pierre Grimal, *Civilization of Rome*, 1963, p. 226.
23. NSc 1915. 29.
24. Russell Meiggs, *Roman Ostia*, Oxford, 1960, p. 428.
25. Joachim Marquardt, *Das Privatleben der Römer* II Darmstadt, 1964, p. 461.
26. In this list are given the numbers in Kleberg, *Hôtels*, pp. 46-47. Kleberg knows 14 taverns in all. His no. 2 is no. 5 or no. 6 of the present list; his no. 10 is most likely no. 19 or no. 20 of this list.
27. Russell Meiggs, *Roman Ostia*, p. 186.