

# Locating the Private in the Roman World

## SUMMARY KEYWORDS

rule, banker, women, privacy, jurist, case, instance, roman, terms, obligation, private, public, legal, model, client, latin, records, constitute

## SPEAKERS

Natália da Silva Perez, Andrew Riggsby

### **Natália da Silva Perez** 00:19

Hi, my name is Natália da Silva Perez and you're listening to the Privacy Studies Podcast. In this episode, Professor Andrew Riggsby from the University of Texas at Austin will give a talk titled "Locating the private in the Roman world." Andrew explains that despite the common use of explicit terms for private and public, ancient Romans did little to theorize these categories. In his talk, Andrew supplies a theoretical account and points to ways in which the private was used as a tool of social control. Drawing from examples from financial regulation and from domestic space, Andrew attends to gendered aspects of this control.

### **Andrew Riggsby** 01:06

I first came to this general topic more than 20 years ago in a paper, some of you know, on the Roman cubiculum, roughly roughly bedroom. That was an attempt to set archeologist's discussions of that space in systematic dialogue with the textual evidence. That is with an examination of all surviving instances of the word in classical Latin. In particular, I began by tracking patterns of behavior associated with the cubiculum, whether by sheer numbers, by implicit inference, or by metonymy. It's perhaps not surprising that my subsequent analysis came to focus on issues of privacy. And in fact, I was led to try to sketch out a more general model of the articulation of public and private that might be applicable elsewhere in the culture. Today's talk will attempt the following. First, I will give a very brief summary of the results of the earlier paper updated somewhat in light of subsequent research both mine and that of others, and focusing on the theoretical more than the philological. Then I'll spend the bulk of my time indeed looking at a historical issue elsewhere in the culture, legal limitations on women in the financial professions. Finally, I'll reflect briefly on what the combination of the two cases the cubiculum and finance tell us about the broader idea of privacy. In the original article, I sketched out several dimensions of what felt to me were important dimensions of privacy as just an ordinary language term in English, though perhaps not articulating them adequately. On further consideration, I'd offer the following schema. On the one hand, there's a usage which is relatively descriptive. It labels particular locations as private or not, by setting them along a spectrum of openness or availability. Those locations are often though not always physical ones. On the other hand, there are usages which are more overtly normative. In those cases, actions are judged in the context of that descriptive framework, that is the framework for saying that this is private and this is not. The descriptive framework can be salient to assessment for either where the action itself is situated, or where the

perspective judge is situated, or sometimes both. All three of these versions, even the notionally descriptive one, operate in culturally specific ways that we can observe some common tendencies in the phenomena studied, for instance, under labels like Goffman's back regions, or Scott's hidden transcript. Turning to the specifics of the Roman case, we can begin with the terms *privatum* and *publicum*, the Latin cognates of two of our key terms. These are known to constitute an important opposition within the culture. Though I note that in the terms I just offered, it's one that's largely restricted to the descriptive sense of privacy. Etymologically *publicum* means connected to the community, the populace, and *privatum* means separated from something. There are many instances in which the two fit together just as the origins would suggest, that is to say, whatever is not attached to associated with the community as a whole, is by default, private. But it's long been recognized that this doesn't hold universally. For instance, *privatum* can be used to refer to something peculiar to one family rather than another, say certain religious rights, or even to one individual rather than another say a piece of property. Common scholarly reactions to the seeming inconsistency have been either to see the two terms as representing the ends of a spectrum rather than a pure binary. So most recently Amy Russell, or that they're ultimately incoherent, so recently Winterling. Now there are a couple of theoretical problems I have with both of these that I don't have time to talk about now, but maybe we can talk about in Q&A later. But more concretely against the incoherence view, I think the present study, and frankly, the earlier one constitute counter examples. And that's for the spectrum view, I'll just make the philological observation at least, that neither of these terms in Latin is ever used comparatively, there's no such thing as more or less public or private. The better way to understand the situation, I argued, is a concentric sphere model, like the layers of an onion, mapping individual layers to degrees of openness or availability. The outermost layer always corresponds to the community as a whole, or certain standard proxies for it. This layer is necessarily public. The correspondence of the other layers vary from case to case, as do the point at which the public and private are separated. The specific instantiation of this form, that I studied, has as its layers from the outside in the community, the house, the *cubiculum*, and the bed. Then, depending on circumstance, again, the public-private break can take place at different places in this model, the community is always public, the house sometimes so the *cubiculum* typically not that I'll say more about that in just a second. In fact, the *cubiculum* has at least a dual role in this scheme. On the one hand, it can approximate a minimal core of irreducible privacy, as for instance, Ker's subsequent work on nocturnal study suggests, and Kristina Sessa has gone on to argue that a Christian trajectory in late antiquity moves to a limit case of privacy as the complete exclusion of the worldly. In any case, I see from the program that we'll get the latest word on that late antique *cubiculum* later this afternoon. On the other hand, the *cubiculum* frequently stood metonymically for the household as a whole, and thus partook of its liminality with respect to the public-private distinction. While the couch, the bed itself was conventionally represented as even more interior than the room as a whole. Others were invited there, the couch, only for sexual reasons. Whereas the *cubiculum* had a wider range of associations. One might, for instance, display one's best art, there not so much as self interest, but as to impress your most important, your best visitors. Turning from the descriptive to the normative location of activity in a *cubiculum* is often explicitly salient. Many types of state business were not to be and typically were not conducted there. Sex was to be and typically was confined there. But while being in the right place is necessary, it's not sufficient. That is we have almost no instances of an action being justified not on its merits, but by the preemptive claim that its private location should make it categorically exempt from judgment. Privacy is a set of obligations, not a source of rights. Roman privacy also differs from some of its modern descendants in the salience of the

location from which judgment is passed. In particular, there's no topic the community is not permitted to interest itself in Greek writers, even contemporary Greek writers marveled at the way the Roman census, a moral evaluation as well as a headcount, peered within the household and second guessed, even formally legal activities by the head of household, for instance, cruelty to slaves or all night banqueting, but it goes even deeper than the household. Dionysius of Halicarnassus mention surveillance specifically of the bedroom, presumably he's thinking of the latin cubiculum and we have direct evidence for it's concerned with sexual matters that that might suggest. The form of the census had apparently always asked citizen men, whether they were: "married for the sake of producing legitimate offspring." And the censors had intermittently tried to persuade or force all to do just that. When the Emperor Augustus finally added systematic legal carrots and sticks, his innovation was administrative, not conceptual. And while there was pushback against this at all periods, it never seems to have taken the form of claims that state interest in the matter was illegitimate. Beyond literal state intervention, we should also note the custom of the concilium. So this is another proxy for the community. This was an informally constituted group of friends and family that a head of household was expected to consult in making even, or perhaps rather especially important household decisions, such as the punishment of an adult child, or even more intimate ones for instance, divorce. Failure to do so, on appropriate occasions, could draw both popular and censorial criticism. So now, I turn to my principal focus today. Legal limitations on women in the financial professions. In particular, I'll look at two provisions that forbade them from undertaking certain financial activities. I'll begin by laying out the content of these two rules, and then argue that an account of their purpose will benefit from analysis in terms of the model of privacy that I've just been discussing. Finally, I'll briefly feed that analysis back in to suggest some qualifications for the model itself. My discussion will be shaped by an asymmetry in the evidence. For one of these rules, we're relatively well informed not only about the substance of the law, but also even its legislative history. The other presents problems that are quite familiar to students of antiquity, though I suspect less common in some later periods. That is to say, given the state of our sources, it's not straightforward to say what the official rule was, even before we get to deeper questions of interpretation. So the segment on the content of the rules will naturally focus on the more obscure one, the segment on purpose will focus on the better known one. My ultimate position, however, is that the two rules are parallel to each other in both substance and purpose. So this is the first of the rules the Senatus Consultum Velleianum. The Velleianum is the name of the person who proposed it, it's useless information. But I'm just going to say SCV, for the rest of the talk. Roman financial practice was by American standards, and I believe by modern European ones as well, heavily dependent on third party personal security for loans and other debts. The Senate decided at some point in the mid first century AD, that this personal security was not to be offered by women. And I quote the decree in part: "in the matter of guarantors, for whom women have interceded. The practice seems already to have been against them being sued, or actions being granted against them, since it was unfair that they undertake these male duties and be bound by obligations of the sort. The Senate judge that those who heard such cases would be right to see to it that the will of the Senate is observed in this matter." Roman legal draftsmanship not the height of Latin prose style. But just to be more precise, here 1), the Senate voted for stricter enforcement of a norm that was already in existence. And 2), these arrangements were not forbidden as such, rather, the courts were told not to enforce them. The second rule is one that forbids apparently, women from becoming so called Argentarii. This profession involves accepting deposits for safekeeping from one set of clients then making money by lending at interest to a different set of clients. Today, I'll refer to these people mostly simply as bankers, noting

that that is a narrower category than moneylenders in general. The existence of a ban on female bankers is accepted by literally every modern authority I know of who expresses an opinion on the matter across a variety of national traditions and scholarly subdisciplines. Yet, I will argue the claim is mistaken and correcting our understanding of it has broader consequences. The ruling question is attested in a one sentence excerpt from the third century jurist, Callistratus, like the vast majority of our evidence for classical Roman law, this passage was preserved by being essentially cut and pasted into the digest compiled in the sixth century, at the order of the Emperor Justinian. In the translation of the standard English version Callistratus says, "women are excluded from the function of banker since this is a masculine type of work." And the phrasing used here is certainly similar to that used to express the exclusion of women from juries, public office, and the like. Women are excluded from all civil and public functions. By the standards of ancient history, this is a very plausible prima facie case for the supposed rule. But now I'm going to argue that it's wrong. The first problem is simply the slenderness of the positive evidence. This is all of it. Now, given the way that Roman jurisprudence worked, the prominence of any given issue within our sources is likely to have more to do with what constitutes an interesting technical problem, rather than what is socially significant. And that's likely to be especially true if the legal rule felt socially natural at the time. Still, this is an issue that could have come up outside strictly legal sources. And even within the legal sources, other exclusions of women presumably equally natural at the time, say from jury service or guardianship come up over and over again. Moreover, as we'll see later, it's hard to imagine that the rule in its supposedly broad form could actually be unproblematic, even as a purely technical matter. Second problem: banning women or any similarly broad group from any private profession seems to be unparalleled elsewhere. There are as I alluded to a moment ago rules about participation in various state and legal institutions, magistracies, guardianships, court pleadings. And these affect not just women, but other disfavored groups as well, slaves, aliens, the disabled, the formally disgraced. But in the business world, there's no parallel for a rule of the form: group X cannot practice profession Y. Third: the parallel I just showed you isn't quite as exact as I made it out to be. The ellipses here is not neutral (I lied to you). In the jurist, this verb 'videre' - held to, is not a polite hedge. It's a sort of a term of art. So Ulpian for instance, in the parallel passage below, claims to be simply stating the law about magistracies and jurists by not using this held to. Callistratus using the verb 'videntur' is explicitly distancing himself from that claim. He's pointing to something beyond and on-its-face reading of a statute. Most often that means a lawyers extension of statute or edict by some kind of analogy, I think, in fact, it's something else I'll talk about later. Fourth: there are seeming counter examples in practice to the supposed rule. These are not numerous but they're spread widely in time and across the social spectrum. There are famous graffiti from Pompeii, which record to small loans secured by personal property, and apparently at wildly, usurious rates of interest made by one Faustilla in the mid first century. Or this pair from a different set of graffiti elsewhere in Pompeii, which records two other small loans this time without the security but again at high interest. The precise scenario is not clear here. We don't know exactly who's lending to whom but it's clearly a woman lending, both parties are women. And elsewhere, other people have suggested, the first two passages here cited in literary text may record professional female bankers though there are reasonable doubts in both cases, but the next three, from the records of the banking clan the Sulpicii preserved just outside Pompeii by the eruption, record what certainly look like commercial loans by two different women. Finally, we can point to another category which has been noted by several scholars. Roman law had a special place for what modern scholars typically called by the Latin name 'foenus nauticum' - ship lending. This is essentially a form of insurance for merchant shipping. But legally, it

was structured as a loan to the merchant, typically at very high effective rate of interest, but the debtor was not obliged to repay until and unless the ship and cargo arrived safely in port. Among our attested instances, it turns out that women were significant players in this line of business. Now, it's conceivable that every case here involves a moneylender who's not a banker in the narrower sense. But if that's the case, then it raises precisely the kind of definitional question that we would have expected the jurists to be interested in. Finally, the supposed use of the phrase 'officium argentarii' to express the idea of profession of banking is an odd one. On this point, the standard English translations of 'officium' as duty or obligation, rather than as job or profession are not misleading. And if we consider, for instance, the possibly exceptional cases in which the Oxford Latin dictionary gathers together as instances of "a regular, especially official employment, charge or position." They in fact refer not especially to positions created by the state, but exclusively so magistracies, embassies and the like. So if the rule isn't women can't be bankers, what might it be? I want to get an approach to that from the point of my last objection to the conventional reading. Why speak of the 'officium' the duty of 'argentarii' bankers. The notion of 'officia' in law is addressed at length in an old but important article by [unintelligible]. These fall into two categories public and civil. Public officia include elective and appointive offices in the modern sense of the word, as well as other positions that are part of the state apparatus broadly conceived, such as juror or voter. Those don't seem to be relevant to our question. The civil officia are positions of individual responsibility, such as serving as a guardian for minor children, or representing someone in court. These officia share several features. They're unilateral. For instance, the guardian is responsible to the child but not the other way around. In parallel with that officia are typically ascribed rather than negotiated, and they're certainly not based on a contract. So a guardian is appointed by will, and or by a magistrate following a fixed procedure. Despite that, the responsibilities of the person to whom the job is entrusted are enforced by the state. The wards for instance, on reaching majority can sue the guardian if their property has been mishandled. Finally, the substance of the actions that constitute the officium typically take the form of an actor interposing himself between the beneficiary, and one or more third parties, The guardian, for instance, transacts business on behalf of the child using assets that are still legally the property of the child. Now, the simple fact of being a banker does not seem to fit this description well, nor do its component acts of lending and accepting deposits, both of which are clearly governed by contractual relationships. But there is something else about being a banker that does make sense as an officium in this sense. There are a number of special legal rules about the argentarii about bankers, and at least one of them gives rise to a responsibility of this sort. And it's about disclosure. If the client of a banker were involved in a lawsuit, whether with a banker himself or with another party, the client could have the court compel the banker to hand over his entire record, the record of the client to provide evidence for the case. Such an obligation to disclose records does seem to fit the definition of officium. So it's unilateral. There's no counter obligation on the part of the client to the banker. It's ascribed, that is to say, although bankers and clients do have contractual relationships, this particular obligation exists independently of the legal footing of the deposit, which varies anyway, much less any particular agreement between individual banker and client. It was inherent, rather in the very fact of being a banker, seen most clearly in the fact that it outlives the individual, the business of the individual banker. It's enforceable, so if the banker didn't hand over the records, the client could sue for the value of whatever he might have lost in another suit. And finally, it's a case of interposition. The argentarii, the banker provides information, not just to the client, but also to the court and the other party. There's another line of argument that supports my reading here, and it has to do with the context of Callistratus's dictum. We don't know its context in his original text. The fragments of the work are

very sparse, and its title is famously useless. But it's very clear what the compilers of the digest thought it was about. It's contained in a chapter, it's technically known as a title, under the rubric 'De Edendo' on producing things. And it begins with a few remarks about documents, which must be produced at the beginning of any trial. But the main topic discussed in the excerpts numbered 13 out of 13 is precisely the edict requiring disclosure by bankers, and how to sue to enforce that right. So that's all the material in blue there. The rule I've just been talking about this afternoon constitutes the whole of the next to last excerpt in somewhat darker blue. And then the very last, the darkest blue there summarizes some standard details about procedural rules. And that move to procedure typically marks the conclusion of a topic. And so it strongly suggests that the compilers were still thinking about all of this issue as connected to the one about women. That is to say the compilers of the digest who are way better informed than we are, certainly treated this rule as if it were not about the profession per se, but about the specific obligation of bankers to make their records available. So that's my basic legal claim. Women were not prohibited from engaging in banking. Rather, they were freed from one of the obligations that normally attached to the profession, they didn't have to produce records. That's closely parallel, then to the SCV, which didn't strictly prevent women from providing security, it prevented them from being held legally liable for doing so. But that's the story from a narrowly legal technical point of view, the actual social outcome was surely quite different. And the next part of my talk will address that. So first, the practical consequence of rules like this. Though the banking rule is framed as liberatory as removing a burden from women, it presumably would have a negative effect on their business. If a banker did not produce records, the client could sue for their interest in the matter, that is for what they stood to lose in the originating lawsuit. The premise of that rule is clearly that the records are useful to the client, especially since he or she could demand them selectively. When choosing a banker to do business with presumably it would be a strike against someone who was not required to do this, a woman. Women were not banned by this rule, but they were disadvantaged. The situation with the SCV is similar if not precisely the same. On the one hand, it's a somewhat more powerful prohibition, but in an area that's not inherently profitable. On the other hand, given the importance of personal security in general in Roman business, it probably cut women out of networks that would eventually have yielded profit. It is in effect, the expensive Country Club, they were not allowed to join, and so missed out on the business deals cut in the locker room. The more complicated question has to do with the function of such laws, I'm generally going to claim that the answer is the same for both of our rules. But most of the argument will arise as I say from the SCV. Not only is that rule clear, but we even have three different, albeit brief, explicit accounts of its underlying motivation. These sources offer between them, two or three overlapping reasons. The text of the decree simply asserts that these tasks are masculine as such, 'virilibus officiis' that doesn't really tell us anything though we'll need to account for it. Ulpian, the jurist who preserves the text of the decree stresses in his own voice, the claim that women are thereby protected from their own incompetence, 'imbecilitas, infirmitas'. And a second jurist, Paul combines both theories and perhaps clarifies the belittle and I quote here at little greater length: "for as women are deprived by our customs of civil office, (that's officia) and very many things which they do are void by operation of law, all the more should they be deprived in power to perform acts in which not only their services and the mere employment of the same are involved, but also the risk of their entire private property." Existing debate on this decree among Roman legal scholars takes typically one of two positions. Some take the protection of women as sincere if paternalistic. Others take it as a purely cynical move to exclude women from positions of profit. Now, that latter case we might ask, why the resulting inclusions are then so roundabout and second order. Why not just literally exclude them, or

why not, for instance, go after shipping insurance? But the more credulous view is not really sustainable either. On general terms, we should be suspicious of the womanly weakness argument, even if we understand it strictly in terms of the thought processes of patriarchal Roman legislators. Suzanne Dixon has shown that the trope of infirmity, at least in the jurists, is typically a selfconscious fiction. A way to explain rules who, from our point of view, whose true justification was last to time or simply difficult to frame in native terms. Moreover, as other scholars have already pointed out, the rule actually does little to protect its supposed beneficiaries. In fact, Roman law permits women to do much more dangerous things with their money than what it forbids. Women at this time could, in fact, practically speaking, give away just as much money as they wished, except, interestingly to their husbands. Let me offer the hypothesis that the position taken by the legislators is indeed self-interested, but at the same time that it reflects something real in the culture. Now, even if we were not at the Center for privacy studies, we might suspect that that's something real might have to do with conception of public and private spheres. Certainly the case that it was normal in ancient Mediterranean societies to assign jobs broadly speaking, on that kind of basis and most of the well understood exclusions of Roman women are precisely from the explicitly public world. But as I argued previously, even if the Romans articulate a basic principle of a public-private opposition readily enough, they're much less clear about the precise demarcations in various contexts. What these particular texts are having difficulty articulating, except to the extent that they seem to find it self-evident in the invocation of gender roles, is precisely the kind of negotiation of the public-private distinction I was theorizing earlier. On the one hand, the obligations women are being protected from are not of the sort I've characterized as unambiguously public. They're not positions within the state as an institution, nor do they involve interaction with the community as a whole. And in fact, we see that formalized in Paul's analogy, not to the public officia but to the civil ones. On the other hand, they don't push all the way back to the individual, strictly speaking, or even to the house. Now, one could easily imagine a legal regime which flatly prohibited women from interacting with the outside world, or perhaps more realistically, would stigmatize them for doing so. But that's not what we have here. In fact, another jurist points out in an argument that he is against a broad reading of the decree, he makes a *reductio ad absurdum* of a particular broad reading and he says that reading must be rejected because otherwise no one would ever make a contract with a woman. And he clearly regards that as absurd. The fault line here is not one that can be defined in terms of the specific locational model I offered in my earlier paper. It's not state versus house cubiculum. It's not state and house versus cubiculum. But I think we can still usefully apply the broader discrete levels framework. What the decree addresses formally is women interceding for others, both phrases, implying at least a three party transaction. When Roman lawyers discuss this rule, they're mostly asking whether particular scenarios fall under that definition. And the guiding principle they develop is whether the obligation at stake originates between the other two parties, or is directly contracted by the woman. It's the former case, where an obligation created elsewhere is transferred to a woman that the rule blocks. In fact, this general principle overrides the superficial form of the transaction. So we note with the jurist Paul again that: "If she undertakes the defense of someone", okay, so defense not normally allowed, "if she undertakes the defense of someone who would have recourse against her if he were condemned, she is not seen to intercede." For instance, where she defends the seller of an inheritance that she had bought, or someone who had given security for her debt. That is an act that would normally count as intercession does not if her counterparties interest was originally her own in the first place. The private sphere to which women are being confined here is a relatively narrow one. Or conversely, we could say that the lawmakers behind

these rules are protecting women from the rough and tumble of a public sphere, very capaciously defined. Women can still control private property, they can buy and sell, hire and lease, borrow and lend and in dealings with essentially any one other party, but when you introduce a third party, suddenly you're in public. The precise conceptualization here is probably impossible to capture on the evidence currently at hand, but we definitely can make sense of it in terms of the concentric sphere model. This time based not on openness not in physical location, but in terms of degrees of connection to an action, social connection. To whom are you accessible? From the inside out this time we have the self, then what I'll call 'necessarii', a Latin term for persons to whom one has connections of family or friendship or certain other formal ties. Next layer out what I'll call 'extranei', that is to say individuals who do not share those ties. And finally the community at large. And I should say I'm taking some liberties with the Latin here, that's not exactly how they're actually used but it's close. So for purposes of the SCV, anything that extends beyond the layer of necessarii counts as public. Now, having worked that out, in the case of the SCV, we can easily apply a similar logic to the banking rule as I've read it. Any moneylender has obligations to his or her clients. But those are the product of a series of self-interested negotiations. A banker has obligations that reach out if only barely into the broader world. He can be compelled to provide records for a lawsuit to which he is not a party. Without the special rule, female bankers would in the normal course of things be accessible not only to their clients, but potentially to anyone engaged with that client. If not everyone, at least anyone might potentially have such access. This certainly puts us in the zone between just the necessarii and the fully public. So the criterion of publicness that then explains the banking rule, as well as it does the SCV. And in fact, I could probably extend this same argument to all of the so called civil officia. Now, the general idea that patronizing deference can be a mechanism of constraint will come as a surprise to no one in the contemporary world. And similarly for the particular case of constraining women by somehow confining them to a putatively private sphere. But the details matter, in this case for the underlying models of the social world they reveal. In my original paper, the general model of privacy, the layers of the onion, was only loosely distinguished from a particular cognitive model of space - community - house - cubiculum - bed. But the same paper argued that human cognition generally and typically employs a whole host of spatial models for different purposes. Conversely, the same general view of human cognition would suggest that privacy might also be structured around a variety of models, though, they'd have to share at least some features to be recognizable as being about privacy. The model that appears to underlie our legal rules is not in any straightforward sense, spatial, it's about social connections. But in other respects, it does operate in roughly the same way that I suggested privacy worked in general in the Roman world. It's a system of binaries, rather than a spectrum. And within that system, the unquestionably public is perhaps better anchored or at least more salient than any kind of minimal private sphere, if that even exists. And privacy exists principally as a means of constraint, rather than a freedom. However, and to return to another novel element now, we may have direct evidence in this case of something that was only hypothesized in the original paper. The argument here arises as it happens, from another of my objections to the conventional reading of the banking rule. Why does Callistratus say that women are held to be forbidden? Now recall that in the case of the SCV, the Senate's action was to take something that was already customary, and make it statutory. In the case of the banking rule, I would suggest that the rule about women started out on the same kind of customary basis, but never received the same kind of explicit ratification. So it seems that women are excluded because no source, in the sense that the jurists understood the idea literally, said as much. So the difference between the two rules is the different stages reached in those two cases, in the process of formalization. So that's one kind of



glimpse at the negotiation of boundaries. Moreover, the same could be said of the considerable juristic discourse about the SCV, the vast bulk of which seems to have concerned itself with finding ways to limit the effective scope of the decree. That is to say, broadly speaking, the lawyers are pushing back in a different direction than the politicians. And I would note, in fact that in some respects, their intervention goes even further than restoring the status quo ante. Cultural constructs like privacy are always in principle subject to negotiation, and I had imagined in my original article, that that might be particularly the case with the Roman version, given the way that the model doesn't in formal terms have much conceptual anchoring. But here in the law of finance, we can get at least a glimpse not only of where the private was in Roman culture, but how it got there. Thank you.

**Natália da Silva Perez 40:28**

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