

ANIMALS IN EVERYDAY LIFE IN ANCIENT ROME. THREE EXAMPLES: FAMILY, DIET AND FISH FARMS

ANIMALES EN LA VIDA COTIDIANA DE LA ANTIGUA ROMA. TRES EJEMPLOS: FAMILIA, DIETA Y PISCIFACTORÍAS

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ABSTRACT

This study examines the complex relationship between humans and animals in everyday life in ancient Rome, through three key perspectives: animals within the family unit, animals as a food source and the evolution of Roman fish farming. Drawing on literary, epigraphic and archaeological sources, the study reveals that the Romans formed strong emotional bonds with the animals they kept as pets, developed an intricate cuisine centred on animal products and devised pioneering aquaculture systems that laid the groundwork for contemporary fish farming. The study also reveals that the legal classification of animals as *res* in Roman law, which is poorly understood in contemporary legal systems, did not prevent the development of complex emotional relationships with certain animals. These relationships bear surprising resemblance to modern attitudes towards companion animals. This study improves our understanding of the human-animal relationship in Rome and contributes to the current debate on the legal status of animals by showing how the foundations of contemporary animal law are rooted in the Roman socio-legal tradition.

KEYWORDS

Roman law; companion animals; Roman cuisine; fish farming; animal law.

RESUMEN

Este estudio examina la compleja relación entre humanos y animales en la vida cotidiana de la Roma antigua, a través de tres perspectivas paradigmáticas: los animales en el ámbito familiar, los animales como fuente alimentaria, y el desarrollo de la piscicultura romana. A partir del análisis de fuentes literarias, epigráficas y arqueológicas, se muestra que los romanos establecieron vínculos emocionales significativos con los animales con los que convivían en la casa, desarrollaron una gastronomía sofisticada basada en productos de origen animal, y crearon sistemas de acuicultura innovadores que sentaron precedentes para la piscicultura moderna. Esta investigación pone de relieve, que la consideración jurídica de los animales como *res* en el Derecho Romano, tan mal comprendida en los sistemas jurídicos contemporáneos, no obstaculizó el desarrollo de relaciones afectivas complejas con algunos animales, que encuentran paralelismos sorprendentes con la sensibilidad contemporánea hacia los animales de compañía. El estudio

contribuye a un mejor conocimiento sectorial de la relación humano-animal en Roma, así como al debate actual sobre el estatuto jurídico de los animales, mostrando cómo las bases del Derecho Animal contemporáneo hunden sus raíces en la tradición socio-jurídica romana.

PALABRAS CLAVE

Derecho Romano; animales de compañía; gastronomía romana; piscicultura; Derecho Animal.

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1. INTRODUCTION

The relationship between humans and animals in the Roman world is a relatively unexplored field of research in Roman studies, having traditionally been considered a minor topic.¹ However, the increasing focus on animal law in international academic literature,² and its incorporation into the public policies of numerous states – particularly within the European Union³ – demands a reappraisal of this perspective.

¹ For an overview of the traditional view of the animal issue as a minor consideration in Roman Law studies, see the introductory remarks by FÖGEN, T. *Animals in Graeco-Roman Antiquity and beyond: A select Bibliography*, in FÖGEN, T., THOMAS, E. (Eds.) *Interactions between Animals and Humans in Graeco-Roman Antiquity* (De Gruyter, Berlin-Boston 2017) 435-474.

² The literature on Animal Law is extensive. See e.g., MARGUÉNAUD, J.P., LEROY, J. (eds.). *Code de l'animal*, 3 ed. (Paris 2024); FRASH, P., HESSLER, K., KUTIL, S., WAISMAN, S. *Animal Law in a Nutshell*, 3 ed. (St. Paul, MN 2021); PETERS, A. (ed.). *Studies in Global Animal Law* (Berlin 2020); FAVRE D. *Animal Law: Welfare Interests and Rights* (New York, 3rd ed. 2019); GIMÉNEZ-CANDELA, M. *Transición animal en España* (Valencia 2019); FAVRE, D., GIMÉNEZ-CANDELA, T. (eds.), *Animales y Derecho/Animals and the Law* (Valencia 2015); MICHEL, M., KUHNE, D., HANNI, J. *Animal Law – Tier und Recht, Development and Perspectives in the 21st Century – Entwicklungen und Perspektiven im 21. Jahrhundert*, (Zürich-San Gallen 2012); CASTIGLIONE, S., LOMBARDI VALLAURI, L. *Trattato di biodiritto. La questione animale* (Milano 2012); SCHAFFNER, J.E. *An Introduction to Animals and the Law* (Palgrave Macmillan 2011); FAVRE, D. *Living Property: A New Status for Animals Within the Legal System*, in *Marquette Law Review* 93/3 (2010) 1021-1071; FRANCIONE, G. L. *Animals as Persons: Essays on the Abolition of Animal Exploitation* (New York 2008). On the academic teaching and research in animal law, see generally, GIMÉNEZ-CANDELA, M., CERSOSIMO, R. *La enseñanza del Derecho Animal* (Valencia 2021). See also, GIMÉNEZ-CANDELA, M., CERSOSIMO, R. *Teaching Animal Law in Europe*, in *Animal and Natural Resource Law Review* 20 (2024) 51-71.

³ The European Union has developed numerous animal welfare laws, which are binding on Member States. See e.g., Council Directive 98/58, 1998 O.J. (L221) (EC); Council Directive 1999/74, 1999 O.J.

This study analyses three fundamental aspects of the interaction between animals and humans in everyday Roman life: the presence of animals in family environments, which we would now call pets;⁴ the role of animals in Roman diets and gastronomy; and the development of fish farming as an important economic activity. This threefold approach enables us to critically examine a seemingly contradictory reality that has obscured our understanding of the significant role of animals in Roman society, and consequently, how this role was transmitted in the social sphere and legal systems shaped by Roman society in the Western tradition. In other words, I am referring to the confirmation of this statement: the legal consideration of animals as 'things' (*res*) in the Roman legal system⁵ never hindered or imposed any limits on the development of complex emotional and economic relationships derived from the human–animal relationship, which transcended

(L203) (EC); Council Directive 2007/43, 2007 O.J. (L 182) (EC); Council Directive 2008/119, 2008 O.J. (L 10) (EC); Council Directive 2008/120, 2008 O.J. (L 47) (EC); Regulation (EU) 2017/625, 2017 O.J. (L 95/1); Council Regulation 1/2005, 2004 O.J. (L 03); Council Regulation 1099/2009, 2009 O.J. (L 303); Directive 2010/63, 2010 O.J. (L 276). The Council of Europe has also issued some treaties, that are binding on the signatory parties. See European Convention for the Protection of Animals Kept for Farming Purposes, Mar. 10, 1976, E.T.S. 87; European Convention for the Protection of Animals during International Transport (revised), Nov. 6, 2003, E.T.S. 193; European Convention for the Protection of Animals for Slaughter, May 10, 1979, E.T.S. 102; European Convention for the Protection of Vertebrate Animals used for Experimental and other Scientific Purposes, Mar. 18, 1986, E.T.S. 123; European Convention for the Protection of Pet Animals, Nov. 13 1987, E.T.S. 125.

⁴ There is no comparable expression in ancient texts to the one commonly used today for companion animals. However, it seems legitimate to use this term in a Roman context to refer to animals that live with a family and provide them with affection, presence and companionship, rather than any useful or economic benefit. Such animals are also known as pets, companion animals or family pets. This is how understands it AMAT, J. *Les animaux familiers dans la Rome Antique* (Paris 2022); the German term used is 'haustiere', which means 'pets' or 'domestic animals', IHM, S., s.v. "Haustiere", in Der Neue Pauly 12/2 (Stuttgart-Weimar 2002) 989–991.

⁵ Gai. 2.1: *res corporales sunt quae tangi possunt, veluti fundus, homo, vestis, aurum, argentum et denique aliae res innumerabiles*. GIGLIO, F. Pandectism and the Gaian Classification of Things, University of Toronto Law Journal 62/1 (2012) DOI: <https://doi.org/10.3138/utlj.62.1.1>. Giglio's hypothesis offers a new interpretation of a key text in Roman law, with important implications for modern property law and the categorisation of objects in legal systems influenced by Roman tradition. Giglio challenges the Pandectist interpretation of Gaius's classification of corporeal and incorporeal things, arguing that this categorisation should not be considered a theory of property, but rather as part of Gaius's coherent didactic project to educate his students in the legal profession. The pandectist interpretation has had practical and lasting consequences in many legal systems, substantially contributing to the configuration of property law in modern jurisdictions. Specifically, the pandectist reading of Gaius' classification has often excluded incorporeal things from property law and influenced how animals are considered in contemporary legal systems. Similarly, regarding the influence of the adoption of the Gaian *summa divisio* in Pandectist interpretation, which has had practical and lasting consequences for the legal status of animals in many legal systems, see GRETTON, G. L. Ownership and its Objects, en Rabels Zeitschrift für ausländisches und internationales Privatrecht / The Rabel Journal of Comparative and International Private Law, 71/4 (October 2007) 802–851.

mere practical utility (i.e. ownership, use and classification of animals)⁶ to become an essential part of society's vital pulse and the ancient world's influential culture. This has been conveyed to us through the preserved testimonies from the sources.

These sources provide the best evidence for developing a broader understanding of animals in Roman society, where life and law are closely linked. Dissociating socio-economic and cultural reality from the law leads to a poor, partial and biased view of human-animal bonds, which coexist in society in a natural, spontaneous and surprising way. It is time to end the silence surrounding the legal status of animals in Rome.⁷ This is not a passing craze, a fleeting fashion or a relic of the past.⁸ Animals played a decisive role in ancient culture, and in Rome, the legal reality would not be fully understood if we continue to ignore the study of animals, which were integrated into the first legal system (if we can speak of the existence of a "system" in Rome⁹) that recognised animals as a

⁶ Op. cit. GIMÉNEZ-CANDELA (2019) 193-195, 230, 237.

⁷ The assertion that there is a need to end the academic silence surrounding the legal status of animals in Roman society is supported by some specialised literature, which highlights three main reasons. These are summarised below: a) there is a significant disproportion between the practical importance of animals in Roman society and the systematic academic attention they receive. Despite their centrality to the Roman economy, transport, and daily life, academic literature on their legal status is limited, see JACKSON, B. S. Liability for animals in Roman law: An historical sketch, in The Cambridge Law Journal, 37/1 (1978) 122-143, [hts://www.jstor.org/stable/i406640](https://www.jstor.org/stable/i406640); BOND, S. E. Getting sacked: Animals, executions, and Roman law. Sarah E. Bond Blog (2015) <https://sarahemilybond.com/2015/10/04/getting-sacked-animals-bestial-humiliation-and-roman-law/>; b) some Romanists, such as Watson, have already highlighted inconsistencies in the legal treatment of animals. They have referred to cases where Roman jurists' arguments about animals revealed obvious logical fallacies, suggesting that this area was not sufficiently developed. See WATSON, A. Rome of the XII Tables: Persons and property (Princeton 1975); c) existing studies are characterised by their thematic fragmentation. They focus on very specific aspects, such as liability for damages or cases of occupation, without offering a systematic view of the legal status of animals, see ASHTON-CROSS, D. I. C. Liability in Roman law for damage caused by animals, in The Cambridge Law Journal 11/3 (1953) 395-403, <https://doi.org/10.1017/S000819730000595X>; MCLEOD, G. Wild and tame animals and birds in Roman law, in BIRKS, P. (Ed.), New perspectives in the Roman law of property: Essays for Barry Nicholas (Oxford 1989) 169-189. This situation contrasts with the more robust development of other areas of Roman law. This would academically justify taking a more comprehensive approach to the subject.

⁸ SERPELL, J. In the company of animals: A study of human-animal relationships (Cambridge University Press 1996); HERZOG, H., BLACKSHAW, J. K., & LAWRENCE, E. A. Pets and Paradoxes: Review of In the Company of Animals (second edition (1997) James Serpell, in Anthrozoös, 10/4 (1977) 236-240. <https://doi.org/10.2752/089279397787000978>; AMIOT, C. E., BASTIAN, B. Toward a psychology of human-animal relations, in Psychological bulletin, 141/1 (2015) 6; SERPELL, J., PAUL, E. Pets and the development of positive attitudes to animals, in Animals and human society (Abingdon-New York 2002) 165-182.

⁹ The Roman jurisprudence system was very different from modern legal systems. Roman law was a dynamic, case-based system developed by jurists through practical reasoning, rather than by rigid application of abstract rules. The term *ius* originally referred to the place where magistrates judged disputes, with its roots based on judgment rather than written law. It began as the just position in private

legal reality (*res*) included in the sphere of property.¹⁰ The fact that this inclusion has been relevant, useful and extremely influential for contemporary legal culture does not diminish the significant presence of animals in Roman society. This essential integrated vision drives this study.

The proposed analysis is relevant because the current debate on the legal status of animals in civil law codes originates from the Roman conceptualisation of animals as property.¹¹ Therefore, to contextualise both the legal discussions of the ancient world and the current debates on animal rights, it is essential to understand the social, economic and emotional dynamics surrounding animals in Rome.¹² This issue is addressed here in an unbiased manner, with the aim of encouraging many more future studies on the legal treatment of animals in Rome. It should be noted, however, that the animals themselves were the driving force behind changes in Roman legislation and jurisprudence, albeit unintentionally.

conflicts and the rights and obligations of citizens, later evolving into the broader concept of legal order. Roman jurists viewed *ius* as dynamic and open, as seen in terms like *ius civile* and *ius gentium*. Law developed through jurists' solutions to specific cases (*responsa*) and Celso (D.1.1.1 pr.) defined *ius* as *ars boni et aequi*. See, GIMÉNEZ-CANDELA, T. Derecho privado romano, 2 ed. (Valencia 2020) 62. There is extensive literature on the debate surrounding the question of whether Roman law constitutes a legal system. See generally, KASER, M. Zur Methode der romischen Rechtsfindung (Göttingen 1962); STEIN, P. *Regulae Iuris*: from Juristic rules to legal maxims (Edinburgh 1966); LOMBARDI, L. Saggio sul diritto giurisprudenziale (Milano 1967); NÖRR, N. Spruchregel und Generalisierung, in SZ. LXXXIX (1972) 19 sq.; KASER, M. Römisches Privatrecht. Ein Studienbuch (München 1989); VACCA, L. La giurisprudenza nel sistema delle fonti del diritto romano (Torino 2012) (with an extensive literature); DI CINTIO, L. "Ordine" e "Ordinamento". Idee e categorie giuridiche nel mondo romano (Milano 2019).

¹⁰ Op. cit. GIMÉNEZ-CANDELA, T. (2020) 165-170.

¹¹ On the evolution of the legal concept of animals from Rome to contemporary law, see MÉNISSIER, G. L'animal et le droit (Paris 2019) 45-78.

¹² Among the vast literature on this subject, which I have addressed on several occasions, is a work that seeks to offer a comprehensive view of the convergence of animal ethics and law from various perspectives: GERICK N. Recht, Mensch und Tier. Historische, philosophische und ökonomische Aspekte des tierethnischen Problems (Baden-Baden 2005), which addresses the historical, philosophical, and economic aspects related to ethical issues in the relationship between humans and animals. This contribution is of interest because it details how thinking about animal rights and their treatment has developed over time, while exploring the legal and moral implications of these interactions. Additionally, the work examines the economic impact of ethical decisions concerning animals, contextualising and justifying the analysis. Also see, GIMENEZ-CANDELA, M. Animal Law: what is left to be said by the law about animals, in VITALE, A., POLLO, S. (Ed.). Human-Animals Relationships in Transformation. Scientific, Moral and Legal Perspectives (Cham 2022) 363-401; EAD. Dignity, Sentience, Personhood: the legal relationship between animals and humans, in Derecho Animal. Forum of Animal Law Studies 9/2 (2018) 5-16. <https://doi.org/10.5565/rev/da.385>

2. ANIMALS IN THE FAMILY ENVIRONMENT

The integration of animals into the Roman domestic environment was a complex phenomenon that went beyond the purely utilitarian functions traditionally associated with animal husbandry in antiquity. Evidence from archaeology, inscriptions and literature reveals that the presence of companion animals in Roman households had multiple dimensions – functional, symbolic and emotional – reflecting the social structures and cultural sensibilities of the time.¹³

2.1. Social and hierarchical configuration of animal ownership

The Roman *familia* was an agnatic group, in which relationships of power, dependence and protection were inextricably linked. Members of a familial unit were subject to the authority of the *paterfamilias*, who exercised dominion over his children (*patria potestas*), slaves (*dominica potestas*) and women (*manus*). It was not cognatic kinship that united its members, but agnatic kinship resulting from the existence and exercise of authority.¹⁴ Whether or not an individual is considered part of the *familia* was determined not by being begotten by the *paterfamilias*, but by being subject to his authority.¹⁵

Within this framework, the legal status of domestic animals was ambiguous. Although they were formally classified as *res* (things) under Roman law,¹⁶ their integration into the *familia* created bonds that transcended their mere patrimonial value.¹⁷

The type and quality of pets kept by Romans reflected their social stratification. The patrician elite could afford exotic species, such as select breeds of dogs, ornamental

¹³ BRADLEY, K. The Sentimental Education of the Roman Child: The Role of Pet-Keeping, in *Latomus*, 57/3 (1998) 523–557. <http://www.jstor.org/stable/41538365>; LEWIS, S., LLEWELLYN-JONES, L. *The Culture of Animals in Antiquity: A Sourcebook with Commentaries* (London 2018), Chapter 5, “Pets”. <https://doi.org/10.4324/9781315201603>; GEORGE, M. The Roman family and domestic animals: Affection, utility, and social meaning, in *Ancient Society* 48 (2018) 145-172.

¹⁴ Vid. op. cit. GIMÉNEZ-CANDELA, T. (2020) 48-72, 215-248.

¹⁵ FRIER, B. W., MCGINN, T. A. J. *A casebook on Roman family law*, 2 ed. (Oxford 2019).

¹⁶ See *supra*, section 1. Also see, ONIDA, P.P. *Studi sulla condizione degli animali non umani nel sistema giuridico romano*, 2 ed. (Torino 2012); op. cit. GIMÉNEZ-CANDELA, T. (2020) 165-171, 358, 363, 372; GIMÉNEZ-CANDELA, M. *Biolegalità e nuove soggettività*, in DI ROSA, G., LONGO, S., MAUCERI, T. (a cura di). *Diritto e tecnologia. Precedenti storici e problematiche attuali. Atti delle giornate di studi* (Catania, 8 ottobre 2021 – 21 e 22 ottobre 2022 25 novembre 2022 – 19 e 20 maggio 2023) (Napoli 2024) 217 ss.

¹⁷ LAES, C. Children and animals in the Roman world: Socialization, care, and emotional bonds. *Journal of Family History*, 46/1 (2021) 23-41; BODSON, L. Motivations for pet-keeping in Ancient Greece and Rome: a preliminary survey, in PODBERSCEK A. L., PAUL E. S., SERPELL, J. A. (Eds.). *Companion Animals and Us: Exploring the Relationships between People and Pets* (Cambridge 2000) 27-41. DOI: <https://doi.org/10.1017/9781108667593.003>

birds imported from remote regions,¹⁸ primates from Africa and domesticated wild cats, which served as indicators of status and wealth.¹⁹ These practices demonstrated economic power and articulated complex networks of cultural meaning relating to control over nature, access to international trade networks and participation in refined aesthetic codes.²⁰

By contrast, the middle and lower classes of Roman society kept animals primarily for their functionality and affordability: domestic cats for rodent control, poultry for egg production and small guard dogs.²¹ Nevertheless, this functional differentiation did not prevent the formation of genuine emotional bonds, as evidenced by the numerous funerary inscriptions dedicated to the pets of families of modest means.²²

2.2. Material and documentary evidence

Epigraphic documentation is a valuable source for analysing emotional relationships between humans and animals within the Roman home.²³ Epitaphs dedicated to pets, which were particularly common during the imperial period, reveal the existence of deep emotional bonds and the significant financial resources allocated to commemorating these companions after their death.

These commemorative practices for animals must be understood within the broader context of Roman funerary culture. Epitaphs for companion animals deliberately adopted the formulaic language, materials, and emotional tone typically reserved for human commemorations. This included the use of marble stelae, elegiac verse, and phrases such as *Dis Manibus*, which referred to the *manes* (spirits of the dead). However, excessive displays of grief—whether for humans or animals—could provoke social criticism in Roman society. Seneca, for example, condemned immoderate mourning as a form of *ostentatio doloris* (a display of grief) rather than genuine sorrow,

¹⁸ FÖGEN, T. ὄρνιθων ὄρνιοτατος and *rara avis*. The Peacock in Greek and Latin Literature, in *Wiener Studien* 136 (2023) 63-98; JACKSON, C.E. Peacock, (London 2006).

¹⁹ HARDEN, A. Exotic animals as status symbols in Roman elite culture, in *Greece & Rome* 67/2 (2020) 178-195.

²⁰ NEWMYER, S. T. Animals in Greek and Roman thought: A sourcebook (Ex. ed.) (Abingdon-New York 2017).

²¹ FRANCO, C. Working animals and social stratification in imperial Rome, in *Journal of Social Archaeology* 20/3 (2020) 334-357.

²² THURMOND, D. L. Commemorating companion animals: Epitaphs and emotional relationships in Roman society, in *Classical World*, 114/3 (2021) 289-314.

²³ On the methodology of analysing epigraphic and literary sources in the study of human-animal relations in Antiquity, see HOPE, V. M. Status and identity in the Roman world, in HUSKINSON, J. (Ed.) *Experiencing Rome* (London 2000) 28; HIRT RAJ, M. (2010). Médecine vétérinaire et société dans les mondes grec et romain, in *Pallas* 84 (2010) 17-31.

and the commemoration of pets could also be subject to mockery if it was perceived as crossing socially acceptable boundaries.²⁴ A notable example of such criticism can be found in Pliny the Younger's account of Regulus' ostentatious sacrifice of his son's pets,²⁵ in which theatrical mourning is explicitly condemned. Apologetic formulas in some animal epitaphs ('*do not laugh, for this is a dog's grave*')²⁶ reveal that dedicators were acutely aware of potential social censure. This suggests that the humanisation of animals in death was a contested practice rather than a universal one.

Epitaphs dedicated to pets and preserved in marble with elaborate inscriptions demonstrate a desire to elevate the status of the deceased animal. This is evident through the use of financial resources and expressions of grief that were often not well understood.²⁷ Such inscriptions often use formulas and expressions traditionally reserved for humans, suggesting a conceptualisation of animals that transcended their formal legal status.²⁸

Some authors have emphasised the importance of examining the motivations behind keeping companion animals in Greco-Roman antiquity. Bodson, for example, claims that pet ownership was widespread and widely accepted in classical antiquity, only generating disapproval when pets were thought to take the place of children in human affections.²⁹ Explicit criticism was only directed at those considered too ostentatious or extravagant by the standards of pet funerals in Greece or Rome, or those 'plunged into shameful and intolerable grief'.³⁰ Some mocked or showed disrespect for the grief of those who had dedicated a tombstone to a dog as a sign of their investment. An example

²⁴ Sen. *ep.* 99.16: *plus ostentatio doloris exigit quam dolor: quotus quisque sibi tristis est?* (The display of grief makes more demands than grief itself); Sen. *ep.* 63.13: *Non est quod te gloria lacrimarum tuarum capiat nec animum dolore maceceris: non est sapientia tristem esse in rebus maestis* (There is no reason for you to take pride in your tears or exhaust your spirit with grief: wisdom does not consist of being sad about sad things). Seneca criticises excessive mourning as a mere theatrical display (*ostentatio*) rather than a sincere expression of emotion. See also Sen. *cons. ad Marc.* 7.1-3, in which he condemns the use of grief for self-indulgence. See *infra*. For the social norms surrounding acceptable mourning in Rome, see HOPE, V. M., HUSKINSON, J. (Eds.). *Memory and mourning: Studies on Roman death* (Oxford-Oakville 2011) 1-23.

²⁵ See *infra* section 2.6.

²⁶ GEORGOUDI, S. Funeral epigrams for animals, in *Archaeologia* (1984) 11, 36-41.

²⁷ STEVANATO, C. La morte dell'animale d'affezione nel mondo romano tra convenzione, ritualità e sentimento: un'indagine «zooepigrafica», in *I Quaderni del Ramo d'Oro* en-line 8 (2016) 34-65. In her article, Clara Stevanato analyses funerary inscriptions dedicated to domestic animals (primarily dogs and horses) in the Roman Empire, coining the term 'zooepigraphy' to describe this field of study. The author examines a collection of twenty-two inscriptions, fifteen of which relate to dogs and seven to horses. The inscriptions mainly date from the 1st-2nd centuries AD.

²⁸ WILLIAMS, C. A. Epigraphic expressions of grief: Human-animal relationships in Roman funerary culture, in *Phoenix*, 74/1-2 (2020) 87-108.

²⁹ Op. cit. BODSON, L. (2000) 27-41.

³⁰ Op. cit. GEORGOUDI (1984) 11, 36-41.

of *captatio benevolentiae*, by way of justification, can be found in an epigraph, which was found on the outskirts of Florence:³¹

Τὴν τρίβον [δός] παράγεις, ἄν πῆμας τόδε σῆμα νοήσῃς,
μή, δέομαι, γελάστης: εἰ κυνός ἔστι τάφος:
ἔ[κ]λαύσ[θ]ην: χεῖρες δὲ κόνιν συνέ[χ]ηχαν
[άν]ακτος, δῶς μου καὶ στ]ήλη τὸν[δε] ἐχάραξε [λό]γον.

You who pass by on the road, if you happen to see this grave, please do not laugh, for it is the grave of a dog: I was mourned, and my master's hands piled up the dust and engraved these words on this stele.

This Greek inscription is one of the clearest examples of ancient concern about the possibility of mockery of animal burial monuments.³²

Archaeological findings complement this epigraphic evidence by providing material data on practices of interspecies coexistence. Animal bone remains found in domestic urban contexts not only indicate their presence in homes, but also suggest specialised veterinary care, elaborate diets and, in some cases, ritualised burials, which demonstrate their integration into family religious practices.³³

Although it must be interpreted considering the biases inherent in its survival and preservation, epigraphic documentation provides valuable evidence about the relationships between humans and animals in the Roman domestic context. Epitaphs dedicated to companion animals form a distinct category of documentation. Although limited in number, they reveal significant aspects of cultural attitudes towards these life companions.³⁴

Analysing these inscriptions presents significant methodological challenges. Firstly, the preferential preservation of durable materials, such as marble, has skewed the

³¹ CIG 6310 = IG, XIV 2128. This is a Greek inscription that is known only through manuscript tradition, so there cannot be photographed (except as part of the codex itself). LATTIMORE, R. Themes in Greek and Roman Epitaphs (University of Illinois Press 1962) 107; KAIBEL, G. *Epigrammata Graeca ex lapidibus conlecta* (Berlin, 1878; repr. Hildesheim, 1965) 627, 2; MACKAIL, J. W. Select Epigrams from the Greek Anthology (1890), epitaph LIV.

³² Op. cit. HOPE, V. M., HUSKINSON, J. (Eds.) (2011); see some reviews: EMMERSON, A.L.C. in Journal of Roman archeology 25 (2012) 719-721 DOI: <https://doi.org/10.1017/S1047759400001653>; LAVAN, M., in The Classical Review 64/1 (2014) 231-232. doi:10.1017/S0009840X13003144; HARLOW, M.V., in Journal of Roman Studies (2012) 102:330-332. doi:10.1017/S0075435812000287; ELISEEVA, L., ANDREEVA, E. 'Do Not Laugh, I Beg of You, for This Is a Dog's Grave': The Human-Canine Bond in the Ancient Greek World, in Dogs, Past and Present (2023) 339.

³³ MACKINNON, M. Zooarchaeological evidence for human-animal relationships in Roman urban contexts, in Oxford Journal of Archaeology 38/4 (2019) 412-435; CLUTTON-BROCK, J. Animals in Roman Britain: Archaeological evidence for human-animal relationships, in Britannia 52 (2021) 201-225.

³⁴ Op. cit. CLUTTON-BROCK, J. (2021) 201-225.

record towards monuments that required considerable investment in terms of materials, while more modest forms of commemoration, made from perishable materials, have disappeared from the archaeological record.³⁵ Secondly, the geographical concentration of these finds in affluent urban areas restricts our understanding of commemorative practices in rural areas or among lower socioeconomic groups.

Nevertheless, despite these limitations, preserved epitaphs often use formulas and expressions that were traditionally used for humans, suggesting that animals were conceptualised as having a consideration that transcended their formal legal status.³⁶ Examples such as the epitaph of *Margarita*, which is preserved in the British Museum, and the inscriptions dedicated to *Patricus* and *Aminnaracus*³⁷, demonstrate not only deep emotional bonds, but also a commitment to commemorative practices that would preserve memory over time.³⁸

2.3. Artistic and literary representations

Mosaics and pictorial iconography document the frequent presence of animals in Roman domestic spaces, often depicting them in close and intimate scenes with their owners. These decorative programmes are not merely ornamental, but convey complex messages about nature, domestic life and power relations within the home.³⁹ The frequent depiction of animals participating in everyday family activities suggests their integration into the rhythms of domestic life was normalised.

Latin literature provides further evidence of the social value placed on companion animals. In his observations on animal behaviour, Pliny the Elder draws explicit comparisons between animal fidelity and human loyalty, suggesting that the former could be considered superior in certain circumstances: “*fidissima custodia, societas venandi, comes itineris*”.⁴⁰ Such reflections are not mere natural curiosities, but form part of broader debates on ethics, nature and reciprocal obligations within domestic relationships.⁴¹

³⁵ Op. cit. MACKINNON, M. (2019) 412-435.

³⁶ WILLIAMS, C. A. Epigraphic expressions of grief: Human-animal relationships in Roman funerary culture, in *Phoenix* 74/1-2 (2020) 87-108.

³⁷ See *infra*, section 2.8.

³⁸ *Ibid.*

³⁹ CLARKE, J. R. Domestic iconography and animal symbolism in Roman villa decoration. *Papers of the British School at Rome*, 88 (2020) 89-112.

⁴⁰ Plin. *nat. hist.* VIII, 142.

⁴¹ CAMPBELL, G. L. Pliny's natural philosophy: Animals, humans, and moral exemplarity, in *Classical Philology*, 113/4 (2018) 445-467.

2.4. Legal and cultural implications

The tension between the legal status of animals as property and their emotional integration into family structures gives rise to specific legal issues that Roman jurists addressed with pragmatic solutions. Cases involving liability for damage caused by domestic animals, testamentary provisions for their care and regulations concerning their commercialisation reveal an implicit recognition of their sentimental value, which extends beyond their strict economic valuation.⁴²

This tension between legal objectification and emotional subjectification was not unique to animals in Roman society. Slaves, who were also classified as *res* under Roman law, could become the objects of affection and emotional attachment of their owners creating a similar ambiguity between their property status and personal bonds.⁴³ Indeed, literary and epigraphic evidence reveals that some slaves—particularly household servants, pedagogues, and *nutrices* (nurses)—occupied affective positions within the *familia* that transcended their formal legal categorisation.⁴⁴ Moreover, certain slaves, especially child slaves (*deliciae*) and favourite attendants, were sometimes explicitly treated as pets or companions rather than mere labour instruments,⁴⁵ blurring the boundaries between different categories of property-with-affection. The parallel legal and emotional treatment of animals and slaves in domestic settings highlights a wider pattern in Roman culture: the pragmatic acknowledgement that categorisation as *res* did not necessarily prevent, and could even coexist with, the formation of significant emotional bonds.

This conceptual ambivalence between a legal object and an emotional subject reflects broader tensions in Roman culture regarding the boundaries between nature and culture, domesticity and property, and rationality and emotion. Studying these dynamics provides a more nuanced understanding of how pre-modern societies conceptualised relationships with other species and negotiated the contradictions inherent in domestic coexistence with animals.⁴⁶

⁴² KURKI, V. A Bird's Eye View of Animals in the Law, in *The Modern Law Review* 87/6 (2024) 1452-1479 <https://doi.org/10.1111/1468-2230.12886>

⁴³ BRADLEY, K. R. Animalizing the Slave: The Truth of Fiction, in *Journal of Roman Studies* 90 (2000) 110-125, especially 115-118 (on the affective dimensions of master-slave relationships).

⁴⁴ Op. cit. GEORGE, M. (2018) 145-172, at 156-159 (discussing the parallel between slaves and animals as property capable of generating emotional attachments).

⁴⁵ Op. cit. LAES, C. (2021) 23-41, at 28-30 (on child slaves treated as companion figures).

⁴⁶ BODSON, L. Attitudes Toward Animals in Greco-Roman Antiquity, in *International Journal for the Study of Animal Problems* 4/4 (1983) 312-320.

2.5. Sources and testimonies

Epigraphic and literary documentation from the Roman world reveals an abundance of expressions of affection towards companion animals. Due to their emotional intensity and rhetorical elaboration, these expressions considerably exceed those recorded in the medieval and early modern periods.⁴⁷ This apparent discontinuity in the expression of the emotional bond between humans and animals is most closely paralleled by the cultural transformations of the 18th century, when the emergence of the so-called ‘culture of sympathy’ (Hume, 1739–1740) and Enlightenment values fostered a renewed sensitivity towards animal suffering.⁴⁸

Documentary evidence of the emotional bond between humans and animals in the Roman world enables us to draw significant parallels with modern-day attachments to pets. Expressions of grief, care and emotional recognition documented in ancient times⁴⁹ show striking similarities with the emotional narratives that characterise current

⁴⁷ TOYNBEE, J. M. C. *Animals in Roman Life and Art* (The John Hopkins University Press, Baltimore-London 1973); GEORGE, M. The ‘Dark Side’ of the Garden: Mourning Animals in Roman Funerary Art, in *A Cultural History of Animals in Antiquity* (2008).

⁴⁸ The emergence of a new sensitivity towards animals during the Enlightenment period has been analysed from various perspectives. See, e.g., HUME, D. *A Treatise of Human Nature* (1739-1740); SMITH, A. *The Theory of Moral Sentiments* (1759), who laid the theoretical foundations with his concept of sympathy, which he defined as a natural mechanism that enables emotional understanding between sentient beings, including animals. Other important figures who must be mentioned include SMITH A. *The Theory of Moral Sentiments* (London 1759); BENTHAM, J., *An Introduction to the Principles of Morals and Legislation*. (London 1789); VOLTAIRE, *Dictionnaire philosophique* (Genève 1764); ROUSSEAU, J. J. *Discours sur l'origine et les fondements de l'inégalité parmi les hommes*. (Amsterdam 1755); ROUSSEAU, J. J. *Emile, ou de l'éducation*. (The Hague 1762). On the evolution of attitudes towards animals, see: LAMB, J. *The Evolution of Sympathy in the Long Eighteenth Century* (London 2009); THOMAS, K. *Man and the Natural World: Changing Attitudes in England 1500-1800* (1983); RITVO, H. *The Animal Estate: The English and Other Creatures in the Victorian Age* (1987); with regard to the continental context: AGULHON, M. *Le sang des bêtes. Le problème de la protection des animaux en France au XIXe siècle*, in *Romantisme* 31 (1981) 81-109; SPENCER, J. *Writing About Animals in the Age of Revolution* (Oxford 2020). This fundamental study examines how eighteenth-century philosophy of sympathy provided legitimacy and vocabulary for concern for animal suffering. It connects the theories of Hume and Smith with the development of literature that expresses compassion towards animals; AGOSTA, L. *Empathy and sympathy in ethics*. Internet Encyclopedia of Philosophy (2011) <https://iep.utm.edu/emp-symp/>, who examines the distinction between ‘empathy’ and ‘sympathy’ in an ethical context, analysing 18th-century texts by David Hume and Adam Smith. Although the concept of empathy was present in their writings, they used the word ‘sympathy’ but not ‘empathy’.

⁴⁹ Op. cit. THURMOND, D. L. (2021) 289-314; LAVORGNA, B. F., HUTTON, V. E. *Grief severity: A comparison between human and companion animal death*, in *Death Studies*, 43/8 (2019) 521–526. <https://doi.org/10.1080/07481187.2018.1491485>; LEE, S. A. *Does the DSM-5 grief disorder apply to owners of deceased pets? A psychometric study of impairment during pet loss*, in *Psychiatry Research*, 285 (2020) 112800 <https://doi.org/10.1016/j.psychres.2020.112800>; PREVIDE, E.P., RICCI, E.B., COLOMBO, E. S., et al. *The Complexity of the Human–Animal Bond: Empathy, Attachment and*

discourse on domestic animals. The intensity of grief experienced upon the loss of an animal appears similar to that experienced upon the death of a human relative,⁵⁰ both in terms of media coverage⁵¹ and progressive legal recognition. This is particularly evident in emerging case law recognising the concept of the ‘multispecies family’⁵² and considering the emotional well-being of companion animals in cases of separation, custody and inheritance.⁵³

This close emotional relationship between the Romans and their companion animals can be documented mainly through two types of evidence that show remarkable concomitance in their expressive register and emotional charge: literary sources and epigraphic records. The convergence of these two types of evidence suggests that expressions of affection towards animals were not mere rhetorical conventions, but rather reflected widespread social practices and genuine emotions that transcended social class and geographical boundaries.⁵⁴ This dual documentary approach enables us to gain a comprehensive understanding of Roman attitudes towards companion animals, challenging the traditional perception of the classical world as emotionally cold towards animals.

2.6. Literary testimonials

The Romans had a particularly close emotional bond with dogs and birds. There are numerous examples of beloved pets in family life in literary sources, of which we refer

Anthropomorphism in Human–Animal Relationships and Animal Hoarding, in *Animals* 12/20 (2022) 2835. DOI:10.3390/ani12202835

⁵⁰ Op. cit. LAVORGNA, B. F. HUTTON, V. E. (2019); op. cit. LEE, S.A. (2020); op. cit. PREVIDE, E.P., RICCI, E.B., COLOMBO et al. (2022) 2835.

⁵¹ GRIER, K. C., *Pets in America: A History* (University of North Carolina Press 2006); CHARLES, N. ‘Animals Just Love You as You Are’: Experiencing Kinship across the Species Barrier, *Sociology* 48/4 (2014) 715-730.

⁵² Se e.g., REYES ORTIZ, A. Reconocimiento a las familias multiespecies en México. Análisis a la sentencia de amparo directo 454/2021 del tribunal colegiado en materia administrativa. DALPS (Derecho Animal-Animal Legal and Policy Studies) 2 (2024) 460-477. DOI: <https://doi.org/10.36151/DALPS.031>; OLIVERA, M. Familia multiespecie. Estudio de las recientes resoluciones judiciales en Colombia y España, in DALPS (Derecho Animal-Animal Legal and Policy Studies) 2 (2024) 442-459. DOI: <https://dalps.tirant.com/index.php/dalps/article/view/71>; GONZÁLEZ MARINO, I. La familia multiespecie: avances y desafíos jurídicos en Latinoamérica, in TLA-MELAUA: revista de ciencias sociales 54 (2023) 1-13. DOI: <http://dx.doi.org/10.32399/rtla.17.54.2698>

⁵³ NUSSBAUM, M. C. The Capabilities Approach and Animal Entitlements, in SUNSTEIN, C.R., NUSSBAUM, M.C. (Eds.), *Animal Rights. Current Debates and New Directions* (New York 2004) 28-254; WISE, S. M. (2020). Rattling the Cage. Towards Legal Rights for Animals (Cambridge, MA 2000)

⁵⁴ Op. cit. BRADLEY, K. R. (2000) 110-125; LAES, C. *Silent Witnesses? Children and Crises in the Roman World*, in *Children and Family in Late Antiquity* (Leuven 2014) 85-110

to only a few of particular interest here. Pliny the Younger provides a striking example of the commemoration of companion animals in a funerary context, while also revealing the social tensions surrounding such practices. In a letter to his friend Attius Clemens, Pliny recounts how, after the death of his son, the orator Regulus, burned all the child's pets on the funeral pyre – *canes maiores minoresque... luscinias, psittacos, merulas* (large and small dogs, nightingales, parrots and blackbirds) – so that they could keep him company in the afterlife.⁵⁵ However, Pliny himself notes critically that such an act may have been more a display of ostentation than an expression of grief for the death of his son.

C. Plinius Attio Clementi suo s.

1. *Regulus filium amisit, hoc uno malo indignus, quod nescio an malum putet (...). 3. (...) Habebat puer manculos multos et iunctos et solutos, habebat canes maiores minoresque, habebat luscinias psittacos merulas: omnes Regulus circa rogum trucidavit. 4. Nec dolor erat ille, sed ostentatio doloris. Convenitur ad eum mira celebritate. Cuncti detestantur oderunt, et quasi probent quasi diligent, cursant frequentant (...)*

1. Regulus has lost his son, a misfortune he does not deserve, though I am not sure he regards it as such (...). 3. (...) The boy had many ponies, both in harness and for riding, and he had dogs, both large and small; he had nightingales, parrots, and blackbirds. Regulus slaughtered them all around the funeral pyre. 4. (...) Yet this was no expression of grief, but an exhibition of grief [*Nec dolor erat ille, sed ostentatio doloris*]. People flock to visit him in remarkable numbers. They all detest and hate him, yet they rush about and crowd around him, as if they approved and loved him...⁵⁶

Pliny's account is significant for several reasons. Firstly, it shows that companion animals were commonly present in Roman households, including multiple species such as dogs of various sizes and ornamental birds, even in elite contexts. Secondly, and more importantly, Pliny explicitly condemns the act as an exhibition of grief (*ostentatio doloris*) rather than genuine grief (*dolor*), revealing that ostentatious commemorations of animals, even in the context of human funerals, were subject to social criticism. The phrase '*Nec dolor erat ille, sed ostentatio doloris*' encapsulates Roman anxieties about the appropriate boundaries of mourning. Theatrical displays of emotion, whether directed towards humans or animals, risked being perceived as insincere or socially transgressive. Thus, this passage illuminates both the normalised presence of pets in

⁵⁵ Plin. *Ep. 4.2.3*. On household pets in Roman society, see LAZENBY, F. Greek and Roman Household Pets, in *The Classical Journal* 44/4 (1949) 245-252 and 44/5 (1949) 290-307. For an analysis of Pliny's rhetorical strategy in condemning Regulus and documenting the relationship between humans and animals, see op. cit. BRADLEY, K.R. (1998) 523-557

⁵⁶ Plin. *ep. 4.2.3* (author's translation). See *supra*, note 24 about the use of the expression *ostentatio doloris* in Seneca and the common references of Grief in both authors. See, HANAGHAN, M., Pliny's Seneca and the intertextuality of Grief (Chapter 7) 149-163, in NEGER, M., TZOUNAKAS, S. (Eds.) *Intertextuality in Pliny's Epistles* (Cambridge 2023) 149-163

Roman domestic life, as well as the contested nature of their public commemoration, a tension that would continue to characterize human-animal relationships throughout Roman history.

Although extreme, this anecdote demonstrates the common presence of domestic animals in Roman homes, such as dogs and birds, and cats less frequently. However, cats deserve a separate chapter.

Similarly, in a letter to his teacher Fronto, Emperor Marcus Aurelius⁵⁷ affectionately refers to his young daughter as *my passercula* (my little bird), in a tender allusion to Catullus's sparrow.⁵⁸ This illustrates how the imagery of pets was incorporated into the language used to express affection towards children. Bird names are often used as terms of endearment in ancient literature, reminiscent of similar uses in Plautus' works. Greek and Roman poets used *nēttarion*⁵⁹ and *aneticula*,⁶⁰ which are exactly equivalent to our 'duck'.⁶¹

2.7. Poetry and Epitaphs

Poetry and epitaphs complement this picture. Martial⁶² dedicates an epigram to Issa, his friend Publius' lap dog, saying that *Issa... purior osculo columbae... Issa est Publii delicia* (Issa is purer than a dove's kiss... Issa is Publius' delight), highlighting her intelligence and her owner's affection. Ovid composed a moving elegy for the death of Corina's parrot,⁶³ lamenting: **Psittacus, Eois imitatrix ales ab Indis, occidit... has*

⁵⁷ Marc Aurel. *ep. 4.6: quid autem passerculam nostram Gratiam minusculam?*

⁵⁸ Op. cit. LAZENBY (January 1949) n.139, 140.

⁵⁹ Arist. *Plut.* 1011.

⁶⁰ Plaut. *asin.* 3.3.103: *da, meus ocellus, mea rosa, mi anime, mea voluptas/ Leonida, argentum mihi, ne nos diiunge amantis.* 665 */Dic me igitur tuom passerculum, gallinam, coturnicem, /agnellum, haedillum /me tuom dic esse vel vitellum, /prehende auriculis, compara labella cum labellis.*

⁶¹ For a list of similar names for girls, see: <https://www.thelatinlibrary.com/plautus/asinaria.shtml>

⁶² Mart.1.109: Issa is more mischievous than Catullus's sparrow. Issa is purer than a dove's kiss. Issa is more affectionate than any young girl. Issa is more beloved than Indian jewels. Issa is Publius' pet dog. When she whines, it sounds as if she is talking. She shares her master's sadness and joy. She lies reclining on his neck and sleeps, not uttering a sigh. To ensure that she does not disappear completely, Publius has had her painted in a portrait, in which you will see an Issa so realistic that she does not even resemble herself. Place Issa and the painting side by side and it is hard to tell which is real and which is painted. See CHRYSTAL, P. The Roman Family Pet (Chicago 2017); MORENO SOLDEVILA, R., MARINA CASTILLO, A., FERNÁNDEZ VALVERDE, J. prosopography to Martial's epigrams (Berlin-Boston 2019). <https://doi.org/10.1515/9783110614695>

⁶³ Ovid. *am.* 2.6, 1-2; 59-62: Parrot, the mimic, the winged one from India's East,/ is dead—Go, birds, form a flock and follow him to the grave! .../ A burial mound holds his bones—a burial mound that is just the right size —/ whose little stone carries a fitting epitaph for him:/ 'His grave holds one who gave pleasure to his mistress:/ his speech to me was cleverer than the speech of other birds'.

** (the imitating parrot from East India has died... this tomb holds the one who gave pleasure to its owner).⁶⁴ Similarly, Catullus immortalised his beloved Lesbia's sparrow in tender verses (Catull. 2).⁶⁵

The literary evidence examined thus far reveals a complex bidirectional process in Roman conceptualisations of the boundaries between human and animal. On one hand, animals were systematically humanised by being attributed emotional capacities, moral virtues, and even rational qualities that were traditionally reserved for humans. Epitaphs ascribe characteristics such as loyalty (*fides*), intelligence (*ingenium*), and sweetness (*dulcedo*) to dogs, while poetic treatments endow birds with the capacity for grief and attachment. This humanisation reached its apex in funerary commemoration, where animals received the same formulaic expressions (*Dis Manibus*), material monuments (marble stelae), and emotional registers (elegiac verse) as human beings.

Conversely, and perhaps more surprisingly, humans were often 'animalised' through affectionate language and metaphors involving animal imagery to express intimacy and tenderness. Terms of endearment such as little sparrow (*passercula*), little duck (*aneticula*) and dove (*columba*) were commonly used to describe children and beloved humans,⁶⁶ while Pliny the Elder explicitly suggested that animal loyalty could surpass

⁶⁴ On Ovid. *am.* 2.6, see DIETRICH, J. S. Dead parrots society, in American Journal of Philology, 123/1 (2002) 95-110. <https://doi.org/10.1353/ajp.2002.0004>; KRONENBERG, L. J. Aemilius Macer as Corinna's parrot, in Ovid. *Amores* 2.6., in American Journal of Philology, 137/2 (2016), 259-295. <https://doi.org/10.1353/ajp.2016.0016>; MYERS, K. S. Ovid's *tecta ars*: *Amores* 2.6, "programmatics and the parrot". In Échos du Monde Classique/Classical Views, 34 (1990) (n.s.9), 367-374. <https://doi.org/10.1353/ecm.1990.0014>; BOYD, B. W. The death of Corinna's parrot reconsidered: Poetry and Ovid's *Amores*, in The Classical Journal 82/3 (1987) 199-207. <http://www.jstor.org/stable/3297900>; CAHOON, L. The parrot and the poet: The function of Ovid's funeral elegies, in The Classical Journal 80/1 (1984) 27-35. <http://www.jstor.org/stable/3297395>

⁶⁵ Among the extensive literature on this poem, Gowers's (2022) article is particularly noteworthy as it provides a thorough analysis of whether the *passer* is indeed a sparrow or whether it has other connotations in the Roman context of pets and sparrow behaviour. Ingleheart's (2003) article raises the possibility that poems 2 and 3 by Catullus function together as a poetic diptych that engages with Sappho's lyrical tradition. See TRIMBLE, G. Catullus: Poem 64. Cambridge Classical Texts and Commentaries, 64. (Cambridge 2025) <https://doi.org/10.1017/9781139088213>; GOWERS, E. Lesbia's controversial bird: Testing the cases for and against *passer* as sparrow, in Antichthon 55 (2022) 1-24. <https://doi.org/10.1017/ann.2021.8>; NAGY, G. Two small comments on Catullus Two: An iconic effect and an expression of delight in what is beautiful, in Classical Inquiries (2018, December 13) <https://classical-inquiries.chs.harvard.edu/two-small-comments-on-catullus/>; INGLEHEART, J. Catullus 2 and 3: A programmatic pair of Sapphic epigrams?, in Mnemosyne 56/5 (2003) 551-565 <https://doi.org/10.1163/156852503322904562>

⁶⁶ For animal terms of endearment in Latin literature, see Plaut. *asin.* 3.3.103; Marc. Aurel. *ep.* 4.6 (*passercula*). On the cultural significance of such terminology, see op. cit. LAZENBY, F. (January 1949) 245-252, at 246-247. The practice reflects a broader pattern of using diminutive animal names

that of humans (*fidissima custodia*⁶⁷). This reciprocal blurring of boundaries – animals being elevated to quasi-human status through emotional recognition and humans being described through animal metaphors to convey affection – reveals a more fluid and permeable conception of the human–animal divide in Roman culture than is often assumed. Rather than a rigid, hierarchical separation, Roman sources suggest a more nuanced understanding, in which the boundaries between humans and animals were negotiable and dependent on context, as well as being subject to emotional and rhetorical manipulation. This conceptual fluidity is essential for understanding the commemoration of pets in epitaphs⁶⁸ and the broader legal and cultural tensions surrounding the status of animals in Roman society.

2.8. Epigraphic evidence: the humanisation of pets

Epigraphic evidence confirms that pets were considered to be part of the family. Numerous epitaphs dedicated to household pets have been found throughout the Roman Empire.⁶⁹

A touching example from the 2nd century AD (CIL X 659, discovered in Amalfi)⁷⁰ commemorates a small dog named *Patricus* who passed away at the age of 15.

to express affection, a phenomenon documented across Greek and Roman literature and comparable to modern usage of terms like ‘honey bear’ or ‘bunny’ in English.

⁶⁷ See *supra* note 40.

⁶⁸ See *infra* section 2.8.

⁶⁹ LEWIS, S. Pets as humans and humans as pets in imperial Rome, in *Arethusa*, 58/2 (2025) 143–164. <https://doi.org/10.1353/are.2025.a962487>; WOODRING, C. E. Memories in stone: Ancient pet epitaphs and poetry bridging the past and present (Master’s thesis, University of Arizona). University of Arizona Repository (2023). <https://repository.arizona.edu/handle/10150/668568>; OSYPIŃSKA, M., OSYPIŃSKI, P., DZIERZBICKA, D., ZYCH, I. Animal cemetery of the early Roman period in Berenike: Undistinguishable taphonomy and the human-animal relationship, in *World Archaeology* 53/5 (2021) 831–849 <https://doi.org/10.1080/00438243.2022.2153039>, in which the authors present recent archaeological evidence of a pet cemetery from the Roman period in Berenice, Egypt, containing nearly 600 burials of cats, dogs, and monkeys. This demonstrates the existence of strong emotional bonds between humans and animals.

⁷⁰ The inscription CIL X, 659 (= CLE 1176 = Inscr. It. I 1.228) is an elegiac epitaph dedicated to a dog named Patrice, dated to the 2nd century AD and preserved in fragments in the church of Santa Marina in Amalfi. It is a fragment of white marble measuring approximately 38 x 28 x 5 cm, representing only the upper right corner of what must have been a larger tombstone.

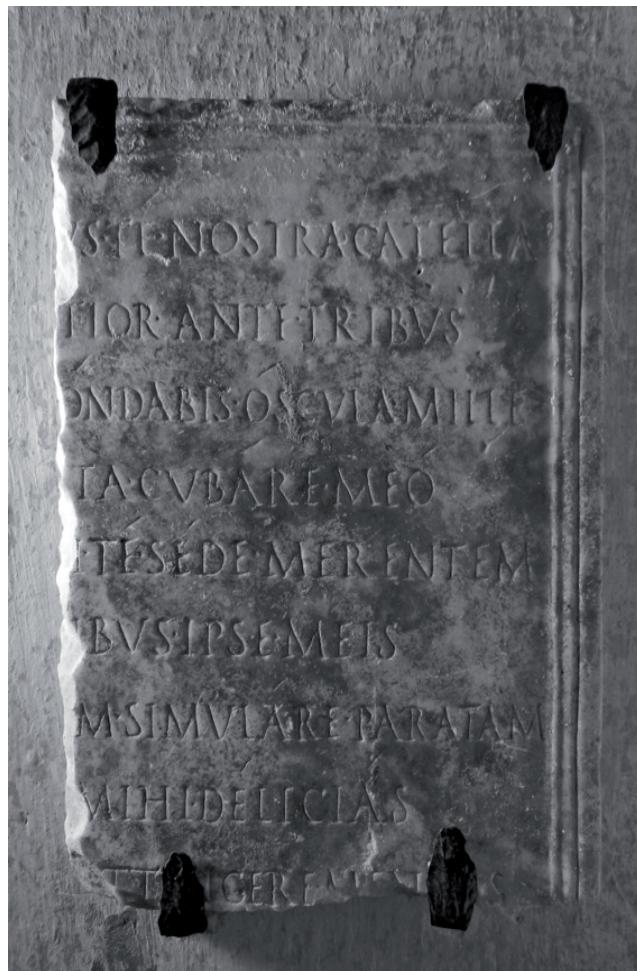


Fig. 1. CIL X, 659. Dedicated to a dog named *Patricus*, Church of Santa Marina in Amalfi (Salerno). EDR120622. Photo courtesy of Dr. Umberto Soldovieri (Scuola Normale di Pisa, Italy).

The owner writes:

*Portavi lacrimis madidus te nostra catella
 quod feci lustris laetior ante tribus
 ergo mihi, Patrice, iam non dabis osculla mille
 nec poteris collo grata cubare meo
 tristis marmorea posui te sede merentem
 et iunxi semper manib(us) ipse meis
 morib(us) argutis hominem simulare paratam
 perdidimus quales, hei mihi, delicias
 tu dulcis, Patrice, nostras attingere mensas
 consueras, gremio poscere blanda cibos*

*lambere tu calicem lingua rapiente solebas
quem tibi saepe meae sustinuere manus
accipere et lassum cauda gaudente frequenter*

Just as I carried you in my arms fifteen years ago in happier circumstances, I carried you in my arms with tears, our little dog. But now, Patrice, you will no longer shower me with kisses or throw yourself affectionately around my neck. You were a good dog, and it is with great sorrow that I have set up this marble tomb for you. I will join you there forever when I die. You quickly became accustomed to humans thanks to your intelligent nature. Oh, what a pet we have lost! You had a habit of joining us at the table, sweetly begging for food in our laps. You loved licking the cup I held out to you and wagging your tail to welcome your tired master home.

Among the epitaphs dedicated to dogs in the Roman world, CIL X, 659 is notable for its literary sophistication and emotional depth. The poem combines the typical structure of Roman funeral elegies with motifs from the genre of love poetry. Through the use of typically human funerary vocabulary such as *manibus*, the spirits of the ancestors, the text reveals the humanisation of the animal, indicating that the owner united Patrice with the spirits of his own ancestors – a culturally significant gesture of love and admiration in Roman society.

The inscription incorporates intertextual references to Catullus, particularly the phrase *oscula mille* (a thousand kisses) from Carmen 5 (Catull. 5), transferring the language of erotic love to devotion to a pet. The poem also features structural numerical play: the pronoun ‘tu’ appears five times, reflecting ‘lustra’ (five-year periods), and together with ‘tribus’ (three), this indicates that Patrice lived for fifteen years.

The composition depicts the typical behaviour of a companion dog: approaching the table to beg for food, licking glasses and greeting the owner with a wagging tail. This suggests that Patrice was probably a lap dog that enjoyed the comforts of domestic life.⁷¹

Similarly, another gravestone found near Rome commemorates Aeolis, a *festivae catellae* (a playful little dog), whose sudden death left her owner grief-stricken:⁷²

⁷¹ CHOI, L. J. Memories in Stone: Ancient Pet Epitaphs and Poetry Bridging the Past and Present (BA thesis with honours) University of Arizona (2023). <http://hdl.handle.net/10150/668568>; op. cit. STEVANATO, C. (2016) 48 sqq.; KRUSCHWITZ, P. Every Dog Has His Day (Academic blog entry). The Petrified Muse (2015, June 20) <https://thepetrifiedmuse.blog/2015/06/20/every-dog-has-his-day/>; op. cit. LATTIMORE, R. (1962).

⁷² AE 1994, 348. Discovered in Gallicano nel Lazio, near Rome, in the 1980s, it was found on a small hill near the Church of San Rocco. It measures 43 x 38.5 x 30 cm, is made of marble, and dates from around the 2nd century AD.



Fig. 2. AE 1994, 348. The inscription is engraved on a marble stele in the shape of a small shrine dating from the 2nd century AD. The stele is considered to be lost, but an image of it appears in M.G. Granino Cecere's publication, which is cited in note 73.

*Aeolidis tumulum festivae
 cerne catellae
 quam dolui inmodice
 raptam mihi praepete
 fato*

This is the grave of Aeolis, the cheerful little dog whose death at the hands of fate hurt me beyond measure.

The inscription was photographed in 1969 by the German archaeologist Hans-Georg Kolbe in the garden of the Church of San Rocco in Gallicano nel Lazio, near Rome. It was subsequently studied and published by Maria Grazia Granino Cecere in 1994.⁷³ Unfortunately, all traces of the altar were lost for more than twenty-five years, making the photographic and epigraphic documentation particularly valuable.

⁷³ GRANINO CECERE, M.G. Il sepolcro della catella *Aeolis*, in ZPE 100 (1994) 413-421. <https://www.uni-koeln.de/phil-fak/ifa/zpe/downloads/1994/100pdf/100413.pdf> ; GARULLI, V. Gli epitafi greci per animali. Fra tradizione epigrafica e letteraria, in Studi Di Archivistica, Bibliografia, Paleografia 1 (2014) 27-64; FRANCO, C. Dogs and humans in ancient Greece and Rome: towards a definition of extended appropriate interaction, in Dog's Best Friend (2019) 33-58.

Regarding the epigraph, it should be noted that it features a bas-relief sculpture of a small dog sitting on its hind legs with an attentive gaze. The dog is placed in a naiskos (small temple) with Corinthian capitals. The epitaph is composed of elegiac couplets and contains features typical of Roman funerary poetry. The imperative *cerne* (contemplate) is an epigraphic convention that addresses the reader directly, inviting them to observe and reflect on the tomb. The adjective *festiva* (cheerful, jovial) humanises the animal by attributing typically human emotional qualities to it. The expression *dolui inmodice* (I suffered excessively) emphasises the intensity of the owner's grief, equating it with mourning for a human being. This epitaph is one of the few examples of funerary inscriptions relating to domestic animals in the Roman world that express grief for the loss of an animal as an expression of feeling for the loss of a loved one, known as mourning.⁷⁴

The epitaph of *Aeolis* is a remarkable testament to the emotional bond between the ancient Romans and their pets. Combining visual elements (the sculptural relief) with poetic text, the stele creates a lasting memorial. Such monuments challenge the modern perception that so often overlooks the fact that the Romans also formed deep emotional bonds with their pets. One of the most interesting features of this type of inscription is that it exclusively features the animal, with no information about the dedicator. It is worth noting that *Aeolis* is an unusual name for a dog, but it may allude to the dog's speed, likening it to the wind (*Aeolus*). This epitaph can be compared to other canine epitaphs from the Roman world, of which I will highlight only a few here. Interestingly, they share similar characteristics. I will briefly refer to some of these epigraphic documents below.

⁷⁴ The most recent literature on grief following the loss of an animal introduces the concept of 'animal ethical mourning' and recognises new forms of grief, such as 'contested grief' and 'contrapuntal grief'. This broadens the conceptual framework beyond pets to include grief over farm animals and wildlife, as well as grief experienced by veterinary professionals. PIHKALA, P., AALTOLA, E. Animal ethical mourning: Types of loss and grief in relation to non-human animals, in *Frontiers in Veterinary Science* 12 (2025). Article 1526302. <https://doi.org/10.3389/fvets.2025.1526302>; WU, Y., SONG, J. The relationship between pet attachment and pet loss grief in Chinese undergraduates: A conditional process model, in *Behavioral Sciences* 15/4 (2025). Article 431. <https://doi.org/10.3390-bs15040431>; MARTÍNEZ, M. I., BAHAMONDE, A., TRONCOSO, I., CONCHA-SALGADO, A. Euthanasia and prolonged grief: A cross-sectional study with bereaved pet owners, in *Journal of Veterinary Behavior* 75 (2025) Article 104007 <https://doi.org/10.1016/j.jveb.2025.04.007>; LEONHARDT-PARR, E., RUMBLE, B. Coping with animal companion loss: A thematic analysis of pet bereavement counselling, in *OMEGA. Journal of Death and Dying* 89/1 (2024) 362–378. <https://doi.org/10.1177/00302228211073217>; HUGHES, B., LEWIS HARKIN, B. The impact of continuing bonds between pet owners and their pets following the death of their pet: A systematic narrative synthesis, in *OMEGA. Journal of Death and Dying* 90/4 (2022) 1666–1684. <https://doi.org/10.1177/00302228221125955>

Another inscription is dedicated to what Pliny considered to be man's most faithful friend: *Aminnaracus*, who once walked the streets of Rome.⁷⁵



Fig. 3. CIL VI 29895. A small, monumental tablet bearing a sculptured representation of a little sharp-eared housedog, dedicated to a dog called *Aminnaracus* (Rome).

Taken from Amgueddfa Cymru – National Museum of Wales (inv. 19.203/6).

The inscription is a small, monumental tablet dedicated to a dog named *Aminnaracus* and features a beautifully sculpted depiction of the animal. What makes this piece special is its textual minimalism: only the dog's name appears, without any of the usual formulas. Most funerary inscriptions for dogs in Rome include several elements absent from this one. These include dedicatory formulas such as D.M. (*Dis Manibus* – 'To the Manes gods'), descriptive texts praising the animal's qualities, mentions of the owner and identification of who dedicated the monument, and expressions of grief lamenting the loss.⁷⁶ While this beautiful example of epigraphic art has not been extensively

⁷⁵ CIL VI 29895, EDR150846, marble slab (No. 19.203/6), from Rome, preserved in the Cardiff Museum, as part of a donation made on 20 August 1919; height/mm: 220, maximum width/mm: 200, width/mm, depth/mm: 60. <https://museum.wales/collections/online/object/ff88b9ea-53c7-3526-9517-c90ae3c605bb/Roman-stone-inscription/>

⁷⁶ With the aforementioned characteristics, absent in CIL VI 29895, the following can be highlighted: CIL VI 29896 (Margarita); CIL XIII 488 (Myia-‘Fly’); CIL VI 39093 (Heuresis-‘Tracker’).

studied, the noble craftsmanship of the bas-relief and the originality of the layout have been highlighted.⁷⁷

Once again, we find an inscription from Italy, this time from Recina in the Piceno region, preserved in the Macerata Municipal Library. Dating from the 2nd century AD, it is currently in a rather poor state of repair, undoubtedly due to subsequent reuse.

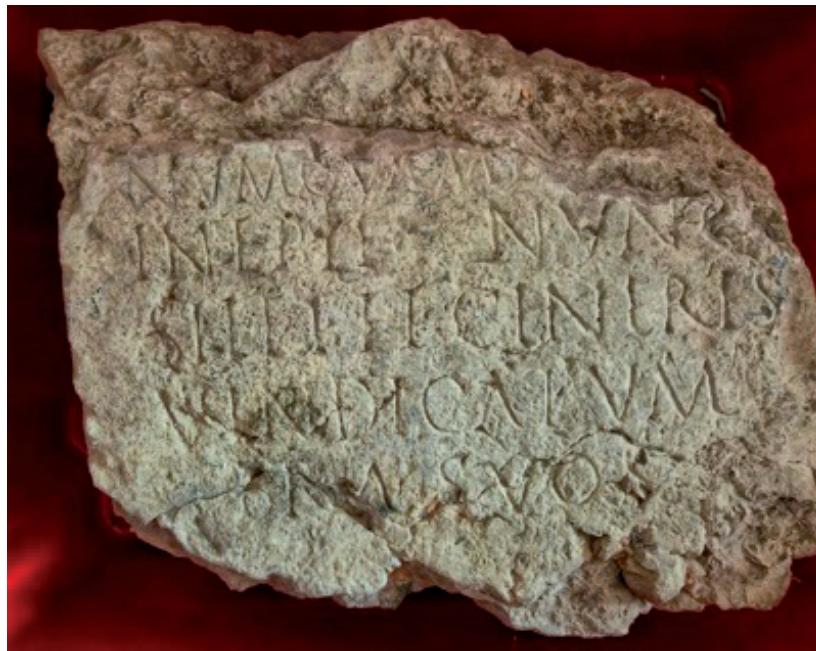


Fig. 4. CIL IX 5785 (EDR015079). Inscription from Recina (Piceno), dating to the 2nd century AD. It is preserved at the Civic Museums Repository in Macerata (Italy). Photo courtesy of Dr. Massimiliano Pavoni, Librarian at Macerata Museum.

*Raeda[r]um custos
numquam latravit
inepte nunc
silet et cineres
vindicat um-
bra suos*

This guard dog never barked unnecessarily. Now he is silent, his shadow protecting his ashes.

⁷⁷ Op. cit. STEVANATO, C. (2016) 43sqq. Notably, she refers to the inscription in question in Chapter IV.1 entitled ‘Volontà umana, sepoltura animale e la questione dell’anonimato del padrone’, emphasising the lack of references to the dedicator.

This inscription is particularly noteworthy within the *corpus* of Roman canine epitaphs for several reasons, some of which are particularly significant. Firstly, it is a funerary altar composed in hexameters, which denotes the patron's high cultural level and intention to create a truly poetic epitaph. It belongs to the minority group of *Carmina Latina Epigraphica* dedicated to animals.⁷⁸

Line 4 refers to the dog's ashes (*cineres*), which was a common funeral practice for humans. The final two lines refer to the '*umbra*', or shadow/spirit, of the dog. As an active subject, the dog 'claims' its own remains, which is a valuable allusion to the animal's otherworldly destiny, comparable to that of humans.⁷⁹ The poignant contrast between the dog's silence – it never barked unnecessarily – and the silence that accompanies its death (*nunc silet*, lines 3–4) is also noteworthy. This highlights the special bond with a dog that goes beyond its role as a guardian and custodian (*Cave canem*) of the house.⁸⁰

In Auch (France) an epitaph commemorates a dog named Myia (Mosquito), praising her sweetness and loyalty in life and lamenting her irreplaceable loss.⁸¹

⁷⁸ MASSARO, M. L'impaginazione delle iscrizioni latine metriche e affettive, in Atti della Pontificia Accademia Romana di Archeologia 85 (2012) 365-414; KRUSCHWITZ, P. Linguistic variation, language change, and Latin inscriptions, in BRUUN, C., EDMONDSON, J. (Eds.). The Oxford Handbook of Roman Epigraphy (Oxford 2015) 721-74. <https://doi.org/10.1093/oxfordhb/9780195336467.013.033>

⁷⁹ Among the inscriptions that mention the animal's post-mortem destination, the following can be compared: CIL VI 10082 (Speudusa): *Lethen incolis* – dwells beside the Lethe; CIL III 9449 (anonymous dog): *et Plutonis adire domos* – enters the dwellings of Pluto; CIL X 659 (Patrice): *iunxi semper Manibus ipse meis* – united with my Manes, (see *supra*, Fig. 1)

⁸⁰ FERRIS, I. *Cave canem: Animals and Roman society* (United Kingdom 2018); DE GROSSI MAZZORIN, J. L'uso dei cani nel mondo antico nei riti di fondazione, purificazione e passaggio, in F. D'Andria, J. De Grossi Mazzorin, G. Fiorentino (Eds.), *Uomini, piante e animali nella dimensione del sacro* (Edipuglia 2008) 71-81.

⁸¹ CIL XIII 488. It was discovered in 1865 during the construction of Auch railway station. It dates back to the 1st century AD. See, COURTNEY, E. *Musa Lapidaria. A Selection of Latin Verse Inscriptions*, in American Classical Studies 36 (Virginia 1995) 195 y 409.



Fig. 5. CIL XIII 488 = CLE 1512, Dedicated to a dog named Myia from Auch (France).
Taken from [http://db.edcs.eu/epigr/bilder.php?bild=\\$CIL_13_00488.jpg](http://db.edcs.eu/epigr/bilder.php?bild=$CIL_13_00488.jpg)

*Quam dulcis fuit ista quam benigna
quae cum viveret in sinu iacebat
somni conscientia semper et cubilis
o factum male Myia quod peristi
latrares modo si quis adcubaret
rivalis dominae licentiosa
o factum male Myia quod peristi
altum iam tenet insciam sepulcrum
nec sevire potes nec insilire
nec blandis mhi morsib(us) renides*

How sweet and kind you were! When you were alive, you used to lie on my lap and share my dreams and my bed. It's such a pity that you died, Myia. You would only bark if some rival lay down too closely with your mistress. It's such a pity that you died, Myia. You are now held by the deep grave, though you know nothing of it. You can no longer rage or leap up, nor can you smile at me with gentle bites.⁸²

⁸² The Latin phrase *latrares modo si quis adcubaret rivalis dominae licentiosa* (lines 5-6) refers to Myia barking when a rival (*rivalis*) would recline (*adcubaret*, from *adcubo*) too freely (*licentiosa*) near her mistress (*dominae*). The verb *adcubaret* means “to lie down beside” or “recline near,” indicating physical proximity rather than deception. This translation is adapted from COURTNEY, E. Musa Lapidaria (1995) 195 and op. cit. LAZENBY, F. (February 1949) 299.

From a literary point of view, it is one of the three most refined canine inscriptions, alongside CIL VI 29896 (Margarita),⁸³ which is composed of 12 elegiac couplets, and CIL X 659 (Patrice), which is composed of 14 elegiac couplets.⁸⁴ The inscription dedicated to Myia is written in Phaecean hendecasyllables, the same metre used by Catullus. This makes it a piece of singular value and unique among Roman canine epitaphs. It makes use of a repeated refrain, unique among preserved Roman canine epitaphs: *O factum male Myia quod peristi* (verses 4 and 7), a clear emotional device also used in poetry today,⁸⁵ which emphasises the pain of Myia's loss. The contrast between life and death in the inscription is also unique, creating a profoundly dramatic effect. The first part evokes the joy of the dog's presence in everyday life, while the second part darkens in tone to lament the animal's death.

The phrase *latrares modo si quis adcubaret rivalis dominae licentiosa* (lines 5-6) adds a significant dimension to Myia's character. The verb *adcubaret* (from *adcubo*, meaning 'to lie down beside, 'recline near') clearly indicates physical proximity, suggesting that Myia acted as a protective, and perhaps jealous, guardian when potential rivals got too close to her mistress.⁸⁶ This detail reveals that Myia is not merely portrayed as a passive companion, but as an active presence in her mistress's emotional and potentially erotic life. This further humanises the animal and intensifies the sense of loss expressed in the epitaph.

Echoes of Catullus are evident, especially in Carmen 3, the lament for Lesbia's sparrow.⁸⁷ A parallel can also be drawn from the fact that the dedicant of the inscription is a woman (*dominae*), who vividly and nostalgically expresses her intimacy with her dog. She describes it with remarkable gestural detail, making it seem like a human accomplice in life and play (*in sinu iacebat* – she lay in her lap; *somni conscientia semper et cubilis* – accomplice in sleep and bed; *latrares [...] si quis adcubaret* – she barked if anyone lay down nearby; *nec sevire potes nec insilire* – you cannot get angry or jump; *blandis mihi morsibus renides* – smile with affectionate bites).⁸⁸ The absence of stereotypical formulas in the inscription, such as references to the manes or D.M., mentions of age, or expressions of the customary gratitude

⁸³ See *infra*, CIL VI 29896.

⁸⁴ MASSARO, M. Fra poesia e prosa affettiva in iscrizioni sepolcrali (a proposito di nuove raccolte territoriali iberiche di CLE), in *Epigraphica* 74 (2012) 279-308; CUGUSI, P. Aspetti letterari dei *Carmina Latina Epigraphica* (Bologna 1996).

⁸⁵ All one needs to do is recall the verses of García Lorca in 'Llanto por la muerte de Ignacio Sánchez Mejías', in which the refrain 'A las cinco en punto de la tarde' evokes the sound of a church bell tolling for the dead. See GARCIA LORCA, F. *Obra completa II. Poesía*, 2 (Akal 2008).

⁸⁶ For the interpretation of *rivalis* in this amorous context, see *op. cit.* COURTNEY, E. (1995) 409, who notes that the term suggests jealousy in an intimate context. The protective-jealous behaviour of dogs toward their owners is also mentioned in classical literature (e.g., *Mart.* 1.109).

⁸⁷ See *supra*, section 2.7.

⁸⁸ CHANIOTIS, A. Moving stones: The study of emotions in Greek inscriptions, in A. CHANIOTIS (Ed.), *Unveiling emotions: Sources and methods for the study of emotions in the Greek world* (Stuttgart 2012) 91-130; CHANIOTIS, A. Listening to stones: Orality and emotions in ancient inscriptions, in DAVIES, J., WILKES, J. (Eds.), *Epigraphy and the historical sciences* (Oxford 2012) 299-328. These

for affection (*benemerens*), renders this epigraph a poetic expression of pure grief for the loss. It is a mourning of emotions revealed by the dog's main function: companionship.

Despite its interesting and unique details, the inscription has not recently been the subject of a palaeographic study that would highlight intertextual relationships with Catullus, the archaeological context in Auch, and the relationship with other Aquitanian inscriptions. Such a study would also enhance our knowledge of the existence of culturally Romanised elites in Aquitaine and other aspects of the reality of the human-animal bond in the provinces. The slab is currently preserved at the Musée des Jacobins in Auch (France).

Today, I have not included other inscriptions, some of which are equally beautiful and well-known. However, archaeological research and epigraphic evidence attest to a considerable number of burials of dogs alongside their owners.⁸⁹ The hypothesis that these joint burials occurred to facilitate the continued protection of their owners in the afterlife has frequently been cited by historians.⁹⁰

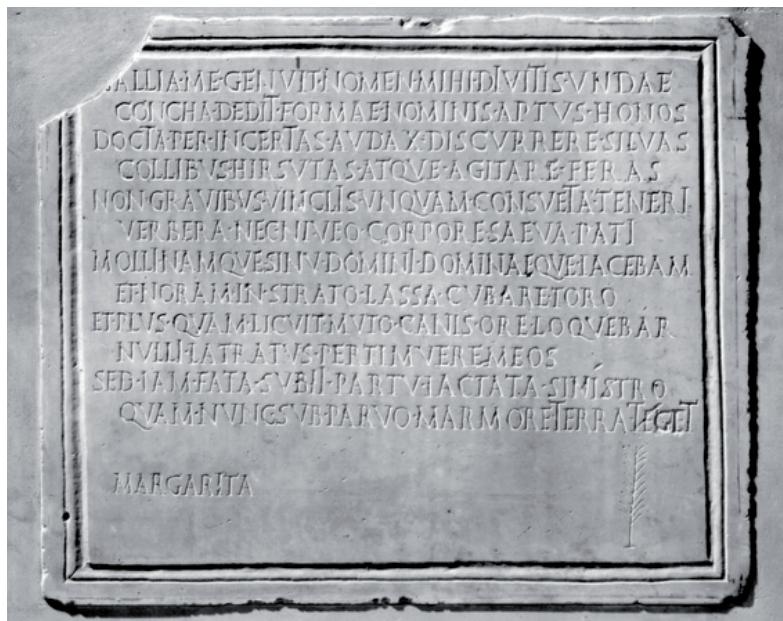


Fig. 6. CIL VI 29896: Rome. Located in the British Museum, London (inventory number 1756,0101.1126, formerly SLAntiq.1126). The marble plaque measures 61 × 50 cm. Taken from the CIL archive (Inv. No. PH0005774).

two articles focus on Greek inscriptions but also provide a methodology that can be applied to the emotional analysis of CIL XIII 488.

⁸⁹ FÖGEN, T. Zum Sterben und Tod von Tieren in lateinischen Trauergedichten, in *Antike und Abendland* 64/1 (2018) 130-155, <https://doi.org/10.1515/anab-2018-640109>

⁹⁰ DIERAUER, U. Tier und Mensch in Denken der Antike. *Studien zur Tierpsychologie, Anthropologie und Ethik* (Amsterdam 1977).

The inscription CIL VI 29896 (also known as CLE 1175) is an epitaph written in six elegiac couplets in honour of a dog named *Margarita* (meaning ‘Pearl’), dating to the 2nd century AD. It is written in the first person from the perspective of the deceased dog herself, which is an unusual literary device that humanises the animal. The epigraph is carefully laid out with guidelines engraved prior to carving. The calligraphic quality varies, and a visible correction can be seen in the penultimate letter of the word *tegit* (line 12), where the stonemason initially wrote *teget*. A palm leaf is incised as a decorative element on the right-hand side.

The poem begins with an allusion to the epitaph of the poet Virgil (*Gallia me genuit*), following the model *Mantua me genuit*.⁹¹ This provides a *terminus post quem* for the inscription. It describes Margarita as a dog imported from Gaul who was trained to hunt in forests and mountains, but who later enjoyed a privileged life as a pet in the company of her *dominus* and *domina*. It concludes by recounting that Margarita died during an ill-fated birth.

The epitaph uses sophisticated poetic devices and allusions to Augustan elegy, employing intimate and literary language typically reserved for human beings, despite referring to a pet animal. This has sparked an academic debate about whether the text is a parody or genuinely expresses human-animal affection. Although these elegiac verses were written with the same pathos as those devoted to beloved human beings, they demonstrate that the Romans humanised and publicly mourned their pets.⁹²

Modern studies have examined the relationship between humans and animals in Rome from an interdisciplinary perspective. Classical authors such as J. M. C. Toynbee⁹³ have studied the role of domestic animals in Roman art and everyday life. The contributions of Giovanni Forni⁹⁴ and some German archaeozoological studies are also noteworthy. These studies reveal the presence of crows, miniature dogs and other animals as regular

⁹¹ The testimonies that refer to the aforementioned verses, attributed to Virgil, are the *Vitae virgilianae* by Donatus (Aelius Donatus, VSD 36) and Probus (Vita Probi, VVA 199) and, on the other hand, the *Chronicon* by Jerome (Hier. *Chronicon* 190.3). See, VELAZA, J., *Mantua me genuit. Génesis, datación y modelos epigráficos del “autoepitafio” de Virgilio*, in *Anuari de Filologia. Antiqua et Mediaevalia* 8 (2018) 875-891.

⁹² FUNSTEN, G. A learned dog: Roman elegy and the epitaph for Margarita, in *The Classical Journal*, 119/3 (2024). 320–346. <https://doi.org/10.1353/tcj.2024.a919681>; KRUSCHWITZ, P. The Master and Margarita (Academic blog entry). The Petrified Muse (2015).

<https://thepetrifiedmuse.blog/2015/04/14/the-master-and-margarita/>. Although recent research has emphasised the emotional dimension of human-animal relationships (*supra* note 8), we already find a pioneering example in op. cit. LAZENBY (1949) who already at the time documented the abundance of animal epitaphs during the imperial period, observing that pets ‘transitioned from utilitarian to pampered companions’.

⁹³ Op. cit. TOYNBEE, J. M. C. (1973).

⁹⁴ FORNI, G. *Gli animali domestici in Roma antica* (Roma 2005).

companions of Romans from different social classes through bones found in houses and camps.⁹⁵ Despite the utilitarian Roman mentality, all agree that companion animals were treated with affection and consideration by many families.⁹⁶

Epigraphic evidence categorically confirms that pets were part of the family unit. The numerous epitaphs dedicated to family pets found throughout the Roman Empire provide exceptional testimony to this social reality.⁹⁷

2.9. Archaeology and burials

Archaeological research provides evidence of dogs being buried alongside their owners. In 2019, teams from the universities of Barcelona (UAB and UB) analysed around twenty such burials. Isotopic analysis of the remains showed that the dogs and their owners had a similar diet. This supports the hypothesis that these burials were intended to allow the dogs to accompany their owners in the afterlife.⁹⁸

2.10. Contemporary critical perspective

These testimonies, composed with the same emotional depth as those dedicated to human beings, demonstrate that the Romans humanised their pets and mourned them publicly.⁹⁹ This cultural trend reveals a deep relationship between humans and animals that finds an echo in contemporary sensibilities. However, it is important to analyse it critically in its historical context.

3. ANIMALS AS FOOD IN THE ROMAN DIET

3.1 Structure of the Roman diet

The Roman diet was principally composed of cereals (notably wheat and spelt), legumes and vegetable products; however, animal products played a substantial role in

⁹⁵ CHRYSTAL, P. *How to be a Roman: a Day in the Life of a Roman Family* (Chicago 2017)

⁹⁶ MACKINNON, M. Pets, in G. Lindsay Campbell (Ed.), *The Oxford Handbook of Animals in Classical Thought and Life* (Oxford 2014) 269–281. In this chapter, the author contextualises Roman pet epitaphs, including CIL VI 29896, within the broader framework of human-animal relations in classical antiquity.

⁹⁷ See *supra*, note 63, 69 and 70.

⁹⁸ GARCÍA, M. et al. Análisis isotópicos de enterramientos conjuntos humano-animal en la Península Ibérica, in *Archaeofauna* 28 (2019) 87-102.

⁹⁹ Op. cit. LAZENBY, F. (1949)

both quotidian meals and elite banquets. This dichotomy between basic and gourmet food reflects the social and economic differences in the Roman world.¹⁰⁰

Recent zooarchaeological studies have improved our understanding of patterns of meat consumption across the different social strata and geographical regions of the Roman Empire.¹⁰¹ Analysis of faunal remains from urban contexts shows that animal protein made up 10–30% of the average Roman diet, with significant variations depending on socioeconomic status, whether the location was urban or rural, and the time period.¹⁰² Differential access to animal products served as a marker of social stratification: while elite households could afford the daily consumption of fresh meat, poultry and exotic species, inhabitants of lower-class insulae relied primarily on *salsamentum* (preserved meats), offal and the occasional purchase from a *macellum* (meat market).¹⁰³

From a legal and administrative perspective, the supply and quality control of animal products fell under the jurisdiction of the *aediles*. Their responsibilities included market regulation, price supervision and ensuring the quality of meat.¹⁰⁴ Municipal legislation from the time of Caesar, preserved in the *Tabula Heracleensis* and traditionally (though controversially) designated as the *Lex Julia municipalis*, specifically addressed the sale of spoiled meat, imposing penalties on vendors who sold contaminated animal products.¹⁰⁵ This regulatory framework shows that animals intended for human consumption

¹⁰⁰ Op. cit. CRYSTAL, P. (2017); op. cit. FORNI, G. (2005).

¹⁰¹ MACKINNON, M. Osteological Research in Classical Archaeology (Abington-New York 2021) 145-178 (providing a thorough analysis of the animal remains found at Roman sites across the Mediterranean, showing how meat consumption patterns varied over time and between regions).

¹⁰² KING, A., FRAYN, J. Animals and Economics in the Ancient World (Cambridge 2020) 89-112 (synthesising isotopic and zooarchaeological data in order to reconstruct the proportions of animal protein in Roman urban diets).

¹⁰³ HOLLERAN, C. Shopping in Ancient Rome: The Retail Trade in the Late Republic and the Principate (Oxford 2022) 167-189 (on the socioeconomic differentiation of meat access and the role of *macella* in urban food distribution).

¹⁰⁴ D. 21.1.1.1 (Ulp. 1 *ad ed. aed. cur.*): *Labeo scribit edictum aedilium curulum de venditionibus rerum esse tam earum quae soli sint quam earum quae mobiles aut se moventes* (Labeo writes that the edict of the curule aediles relates to the sales of things, both those which are of the soil and those which are movable or move themselves). See ROBINSON, O.F. The Criminal Law of Ancient Rome (Baltimore 2020) 78-82 (on aedilician oversight of food markets).

¹⁰⁵ The *Tabula Heracleensis* (CIL I² 593, lines 56-59) contains provisions that regulate the sale of meat and prohibit contaminated animal products in public markets. The legal status of this text is still debated. It has traditionally been associated with the so-called *Lex Julia municipalis* (45 BCE), but modern scholars increasingly question whether this designation refers to a single comprehensive law or represents a collection of separate Caesarian and Augustan municipal legislation. For the traditional view, see LINTOTT, A. The Constitution of the Roman Republic (Oxford 1999) 136-137. For critical reassessment, see CRAWFORD, M.H. (ed.). Roman Statutes, Vol. 1 (Institute of Classical Studies 1996) 355-391, in which the author argues for multiple separate laws. The discovery of the *Lex Iuritana* (AE 1986, 333; found in Seville, 1981) further complicated the question by revealing adaptation to

were not just economic commodities, but also subjects of public health concern and administrative oversight. This reflects a sophisticated understanding of the relationship between animal quality, human health, and social order.

3.2. Meat in the common and elite diet

Pork was the most commonly consumed meat in the average Italian diet, and the animal most intensively farmed. Archaeozoological sources corroborate the hypothesis that pigs constituted the primary source of meat, with sheep, goats and poultry (chicken, goose and duck) following in second and third positions. The primary function of beef was in draught work, and it was consumed primarily by the lower classes. Conversely, game meat, such as deer and wild boar, was highly prized at aristocratic banquets.¹⁰⁶

Differences in meat consumption reflected economic capacity, cultural values and legal regulation. Recent isotopic analysis of skeletal remains from Pompeii and Herculaneum confirms significant dietary differences between social classes. Elite individuals exhibit isotopic signatures consistent with the regular consumption of high-quality animal protein, such as pork, poultry and marine fish, while those of lower status exhibit signatures dominated by plant-based diets with occasional meat consumption.¹⁰⁷ Furthermore, the consumption of meat by the elite was actively regulated by Roman law through *leges sumptuariae* (sumptuary legislation). The *Lex Fannia* (161 BCE) limited banquet spending and restricted the types of poultry that could be served. It explicitly prohibited *gallinae altiles* (fattened hens) in an attempt to curb aristocratic extravagance.¹⁰⁸ A subsequent sumptuary law, the *Lex Licinia* (late 2nd century BCE), similarly regulated expenditure on banquets and imposed restrictions on the weights

earlier Caesarian municipal legislation from the Flavian era; see, GIMÉNEZ-CANDELA, M. La *lex Irnitana*: une nouvelle loi municipale de la Bétique, in *Revue Internationale des Droits de l'Antiquité*, 30 (1983) 125-140; GONZÁLEZ, J. The *Lex Irnitana*: A New Copy of the Flavian Municipal Law, in *Journal of Roman Studies* 76 (1986) 147-243. For recent synthesis on Roman municipal law and market regulation, see ERDKAMP, P. The Food Supply of the Roman City (Cambridge 2021) 201-215, and HOLLERAN, C. Shopping in Ancient Rome (Oxford 2022) 234-256. Regardless of their precise legal designation, the substantive provisions regarding meat quality control are well-attested and operationally significant.

¹⁰⁶ For social differences in meat consumption, see KING, A. Diet in the Roman World, in *Journal of Roman Studies* 89 (1999) 168-182.

¹⁰⁷ PROWSE, T., et al. Isotopic and Dental Evidence for Dietary Variability at Pompeii and Herculaneum, in *American Journal of Physical Anthropology* 175/4 (2021) 872-895 (providing isotopic evidence of class-based dietary differentiation).

¹⁰⁸ Plin. *nat. hist.* 10.71; Macr. *Sat.* 3.17.6-11 (on *leges sumptuariae*) See *infra* 3.5. See BALTRUSCH, E. *Regimen morum*: Die Reglementierung des Privatlebens der Senatoren und Ritter in der römischen Republik und frühen Kaiserzeit (Munich 1989) 45-78; recent analysis: ZANDA, E. Fighting Hydra-Like Luxury: Sumptuary Regulation in the Roman Republic (London-New York 2021) 112-134.

of fresh and preserved meat that could be served. This shows that the consumption of animals was not just a private culinary matter, but also a matter of public policy. It reflects anxieties about moral decline, social differentiation and the proper use of agricultural resources.¹⁰⁹

Satirical literature vividly illustrates contemporary debates about the excessive consumption of meat by the elite. In his *Satires* (2.2), Horace contrasts frugal dining with aristocratic excess, praising simple meals while mocking those who serve elaborate game:

Quid? tum rhombos minus aequor alebat? tutus erat rhombus tutoque ciconia nido, donec vos auctor docuit praetorius...

What? Did the sea nourish fewer turbots then? The turbot was safe, and the stork safe in its nest, until a praetorian instructor taught you [to eat them]...¹¹⁰

Horace's critique is not merely aimed at gluttony, but also at the cultural transformation whereby animals that were previously either protected or ignored became objects of elite consumption. This suggests that dietary habits reflected broader moral and social changes. Similarly, Juvenal criticises the practice of serving whole roasted *aper* (wild boar) and exotic birds at banquets, contrasting such ostentation with the *frugalitas maiorum* (frugality of his ancestors).¹¹¹

Magnum iter ad cenan est: expectant te fora cenas, sellarius offa, cocus aper...

It's a long journey to dinner: the forums await with their dinners, the saddler with his tidbit, the cook with his boar...¹¹²

While employing rhetorical exaggeration, these satirical accounts reflect real tensions surrounding the role of animals in Roman social hierarchies. Animal consumption functioned as a marker of status, an object of moral critique and a subject of legal regulation.

Petronius' *Cena Trimalchionis* (*Satyricon* 31–78) provides the most detailed literary account of an opulent Roman banquet. It features multiple courses of intricately prepared animal products:

¹⁰⁹ Gell. 2.24; Macr. *Sat.* 3.17.11. The dating and authorship of this law (*Lex Licinia*) remain debated; it is generally attributed to P. Licinius Crassus Dives, possibly during his praetorship (ca. 103 BCE) or consulship (97 BCE). See BALTRUSCH, op. cit. (1989) 45–78; ERDKAMP, P., HOLLERAN, C. (eds.). The Routledge Handbook of Diet and Nutrition in the Roman World (Abington-New York 2023) 234–256 (on the intersection of dietary practices, social stratification, and legal regulation).

¹¹⁰ Hor. *Sat.* 2.2.46–48. Translation: FAIRCLOUGH, H.R., revised by GOOLD, G.P. Horace: *Satires, Epistles and Ars Poetica* (Loeb Classical Library 194, Harvard 1926/1999) 127.

¹¹¹ See BRAUND, S.M. Juvenal: *Satires Book I* (Cambridge 1996) 234–245 (for Juvenal's critique of luxury dining).

¹¹² Iuv. *Sat.* 11.121–122. Translation: BRAUND, S.M. Juvenal and Persius (Loeb Classical Library 91) (Harvard 2004) 447.

Iam illic repositorium cum sue ingenti medium ferebat... circa autem quasi pullos gallinaceos et ventres porcinos et in medio leporem pinnis subornatum, ut Pegasus videretur.

Already a serving dish was brought in bearing an enormous pig... around it were arranged what looked like chickens and pork bellies, and in the middle a hare with wings attached, so that it appeared to be Pegasus.¹¹³

In altero ferculo glires melle ac papavere sparsos.

On another dish were dormice sprinkled with honey and poppy seeds.¹¹⁴

Petronius's catalogue, which includes stuffed dormice (*glires*), exotic sausages (*tomacula*), whole roasted pigs disguised as wild boars and theatrical presentations of birds, serves as both social satire and ethnographic documentation. The text reveals that elite banquets transformed animals into spectacles, presenting them not merely as food, but as performances of wealth, cultural sophistication and mastery over nature.¹¹⁵ The elaborate preparation and presentation of animal bodies (such as attaching wings to hares or disguising pigs as boars) demonstrates a conceptual distancing from the living animal, enabling consumption through aesthetic transformation. This raises questions about the relationship between culinary practices and legal categorisation: if animals were so thoroughly objectified as food through culinary art, how did this affect their conceptualisation in other legal and social contexts?

3.3. Dairy products and condiments

In addition to meat, Roman cuisine incorporated a wide range of other animal products (*fructus*),¹¹⁶ including eggs from various birds, milk (mainly from goats and sheep rather than cows) and cheeses. Unlike meat consumption, which required slaughter, dairy and egg production allowed the sustained exploitation of living animals, creating ongoing economic relationships between humans and their livestock. These products occupied a distinctive position in Roman dietary practices and economic life.¹¹⁷

Pliny the Elder pays extensive attention to the geographical diversity and quality hierarchies of animal-derived foods.¹¹⁸ Regarding cheeses, he writes:

¹¹³ Petr. *Sat.* 40.3-4. Translation: HESELTINE, M., revised by ROUSE, W.H.D. Petronius, Seneca: *Satyricon*, *Apocolocyntosis* (Loeb Classical Library 15, Harvard 1913/1987) 71.

¹¹⁴ Petr. *Sat.* 31.11. Translation: op. cit. HESELTINE, M., ROUSE, W.H.D. (1913-1987) 57.

¹¹⁵ For an analysis of the presentation of animals as a spectacle during Roman dining, see GOWERS, E. *The Loaded Table: Representations of Food in Roman Literature* (Oxford 1993) 109-156; recent reassessment: DONAHUE, J. *Food and Drink in Antiquity: A Sourcebook* (London-New York 2020) 156-178.

¹¹⁶ Plin. *nat. hist.* 8.209; 11.97.

¹¹⁷ Plin. *nat. hist.* 31.93

¹¹⁸ For a recent analysis of Roman dairy production and consumption, see op. cit. ERDKAMP, P., HOLLERAN, C. (eds.) (2023) 167-189.

Caseus laudatissimus in urbe Roma, ubi omnium gentium bona commendatione probantur, e provinciis Nemausensi praecipue ex pago Lessurano et Gabalico est, sed brevis ac mustei modo in feno commodatus; e Dalmatia Docleas mittit et Ceutrones in Alpes...

The most highly praised cheese in Rome, where the best products of all nations are tested by competition, comes from the province of Nemausus [Nîmes], especially from the *pagus* Lessuranus and from the Gabali region, but it does not keep and must be consumed fresh like new wine packed in hay; from Dalmatia comes Doclea cheese, and from the Alps the Ceutrones...¹¹⁹

This passage reveals several significant aspects. First, Rome functioned as a centralised marketplace where provincial animal products competed for elite approval. Second, quality distinctions were geographically precise, suggesting the existence of sophisticated supply networks. Third, constraints relating to the perishability of goods, such as cheese packed in hay, shaped both economic organisation and consumption patterns.¹²⁰

Pliny also documents intensive animal husbandry techniques designed to maximise production of luxury foods. Regarding the fattening of birds, he writes:

Nostri eas saginarunt primum M. Laenius Strabo Brundisii eques Romanus, qui et reliqua animalia ...

Our countrymen first fattened them [geese] under the direction of Marcus Laenius Strabo of Brundisium, a Roman knight, who also fattened other animals ...¹²¹

These accounts demonstrate that the production of animal-derived foods involved more than just subsistence agriculture; it was a sophisticated economic activity that required specialised knowledge, technological innovation (such as *saginatio*, or controlled fattening) and entrepreneurial investment. The Roman legal framework recognised this complexity: contracts for the delivery of eggs, milk and cheese were subject to *emptio venditio* (sale), while the keeping of productive animals could be subject to *locatio conductio* (lease) agreements.¹²² Thus, animals occupied multiple legal categories simultaneously – as property objects, productive assets, and sources of ongoing economic value – complicating any simplistic reduction to mere *res*.

Garum, a fermented fish sauce, was one of the most economically significant and culturally pervasive animal products. It constituted a fundamental component of Roman culinary identity and represented a major sector of the Roman economy, particularly

¹¹⁹ Plin. *nat. hist.* 11.97. Translation: RACKHAM, H. Pliny: Natural History, Volume III, Books 8-11 (Loeb Classical Library 353) (Harvard 1940) 511-513.

¹²⁰ On supply networks for perishable animal products, see op. cit. HOLLERAN, C. (2022) 189-212.

¹²¹ Plin. *nat. hist.* 10.52. Translation: op. cit. RACKHAM, H. (1940) 343.

¹²² For the legal categorisation of productive animals, see D. 7.1.68 (Ulp. 17 *ad Sab.*); WIBIER, M. The ‘Fruits’ of the Farm: Property and Productivity in Classical Roman Legal Thought, in Classical Philology 115/4 (2020) 567-594.

in Hispania, North Africa, and the Black Sea region.¹²³ The production, trade and consumption of *garum* shed light on the intricate economic and legal relationships surrounding animal-derived commodities in Roman society.¹²⁴

Pliny provides detailed information on the quality hierarchies and pricing of *garum*:

Garum, sociorum appellatum, ex omni piscium genere fit... Nunc gratia praecipua garo in Carthagine Hispaniae Spartariae. Sextariorum bina milia non multo amplius quam mille nummis permutantur.

Garum, called *sociorum*, is made from every kind of fish... Now the highest for garum belongs to New Carthage [Cartagena] in Hispania. Two *sextarii* [approximately one litre] are exchanged for little more than 1,000 *nummi* [approximately 250 denarii].¹²⁵

This passage reveals that premium *garum* commanded extraordinary prices – approximately 250 denarii per litre, which was equivalent to a legionary soldier's salary for eight months.¹²⁶ This demonstrates that certain animal-derived products transcended their utilitarian function to become luxury commodities, the value of which was determined not by nutritional content, but by geographical origin, production methods and cultural prestige.

Archaeological evidence confirms the industrial scale of *garum* production. Excavations at sites such as *Baelo Claudia* (Cádiz), *Lixus* (Morocco) and *Pompeii* have revealed large-scale fish processing facilities (*cetariae*), which had specialised infrastructure for fermentation, storage and the production of amphorae.¹²⁷ The legal and administrative framework surrounding this industry was correspondingly complex. Inscriptions document guilds of fish-sauce merchants (*negociatores muria*), as well as quality designations stamped on amphorae (e.g. *garum flos* for premium grades). There is also evidence of imperial involvement in production and trade through *conductores*, who were lessees of imperial fisheries.¹²⁸

¹²³ MARZANO, A. Harvesting the Sea: The Exploitation of Marine Resources in the Roman Mediterranean (Oxford 2013) 201-245; recent update: BEKKER-NIELSEN, T., GERTWAGEN, R. (eds.). The Inland Seas: Towards an Ecohistory of the Mediterranean and the Black Sea (Stuttgart 2023) 278-301.

¹²⁴ For a comprehensive analysis of *garum* production and trade, see GRAINGER, The story of garum. Fermented Fish Sauce and Salted Fish in the Ancient World (Abingdon-New York 2021).

¹²⁵ Plin. *nat. hist.* 31.93-95. Translation: JONES, W.H.S. Pliny: Natural History, Volume VIII, Books 28-32 (Loeb Classical Library 418) (Harvard University Press 1963) 453-455.

¹²⁶ For price comparisons, see SCHEIDEL, W., FRIESEN, S.J. The Size of the Economy and the Distribution of Income in the Roman Empire, in Journal of Roman Studies 99 (2009) 61-91, at 73-76.

¹²⁷ Archaeological evidence: BERNAL-CASASOLA, D., SÁEZ, A. Fish Processing and Salted-Fish Trade in the Punic West: New Archaeological Data and Historical Evolution, in BOTTE, E., LEITCH, V. (eds.). Fish & Ships. Production and Commerce of Salted Fish Products during Antiquity (École française de Rome, 2014) 159-174.

¹²⁸ For the legal organization of *garum* industry, see TRAN, N. Associations, Commercial Activities, and Roman Law, in HOLLERAN, C., ERDKAMP, P. (eds.). The Oxford Handbook of the Roman Economy (Oxford 2023) 398-419.

Thus, the *garum* industry demonstrates how animals – or, more precisely, animal bodies transformed into economic commodities – generated elaborate legal, commercial and regulatory structures. Fish passed through multiple legal categories within a single economic chain: they were wild *res nullius* before capture, private property once caught, raw material during processing, and finished commodity as *garum*. This fluidity of legal status challenges rigid categorisations and suggests that Roman jurists recognised the practical complexities that transcended simple property classifications.

The culinary collection attributed to Apicius (*De re coquinaria*, compiled c. 4th–5th century CE, though incorporating earlier material) is the most comprehensive documentation of the transformation of animals into haute cuisine in Roman gastronomy. The recipes reveal sophisticated techniques for preparing animal products, often combining multiple species in a single dish and employing complex flavour profiles.¹²⁹

One example is the recipe for a sauce to accompany roasted goose that incorporates moray eel liver:

Ius in ansere asso: piper, ligusticum, coriandrum, mentam, rutam, refundes acetum, adicies mel, defritum, liquamen, oleum modice, facies ut ferueat. Amulo obligas. Interdum murenae iecur additur.

Sauce for roasted goose: pepper, lovage, coriander, mint, rue; pour in vinegar, add honey, defrutum [reduced must], fish sauce, a little oil; bring to a boil. Thicken with starch. Sometimes moray eel liver is added.¹³⁰

This recipe is culturally significant for several reasons. Firstly, it combines terrestrial and marine animals (goose and eel), demonstrating that Roman haute cuisine transcended ecological boundaries in its quest for novel flavours. Secondly, the inclusion of eel liver suggests that certain animal organs acquired an independent culinary and economic value, separate from the living creature. Thirdly, the elaborate preparation process transforms the animal's body beyond recognition, creating an aesthetic and gustatory distance from the living creature.¹³¹

Similarly, the famous recipe for stuffed dormice (*glires*) illustrates the theatricality and extravagance of elite Roman dining:

¹²⁹ For a recent critical edition and analysis of Apicius, see GROCOCK, C., GRAINGER, S. *Apicius: A Critical Edition with an Introduction and English Translation* (Totnes 2006); for a recent culinary-historical analysis, see FAAS, P. *Around the Roman Table: Food and Feasting in Ancient Rome* (Chicago 2020).

¹³⁰ Apic. *de re coq.* 6.2.4. Translation: op. cit. GROCOCK, C., GRAINGER, S. (2006) 189.

¹³¹ On the culinary transformation and animal conceptualization, see op. cit. GOWERS, E. (1993) 89–134; recent analysis at the reimp. op.cit. *supra* note 43: BRADLEY, K. *Animalizing the Slave: The Truth of Fiction*, in BRADLEY, K. *Apuleius and Antonine Rome: Historical Essays* (Toronto-London 2012) 59–78.

Glires: isicio porcino, item pulpis ex omni membro glirium trito, cum pipere, nucleis, lasere, liquamine farcies glires, et sutos in tegula positos mittes in furnum aut farsos in clibano coquis.

Dormice: stuff the dormice with minced pork and also with meat from all parts of the dormouse itself, ground together with pepper, pine nuts, asafoetida, and fish sauce; sew them up, place them on a tile, and put them in the oven, or cook them stuffed in a portable oven.¹³²

The Apician corpus documents more than just recipes; it documents an entire cultural system in which animals were conceptualised as raw materials for artistic creation. This raises important questions about the relationship between culinary transformation and legal status: if animals were so thoroughly aestheticised and de-animalised through cooking, did this culinary objectification reinforce or complicate their legal categorisation as *res*? The evidence suggests a complex interplay: elite dining practices simultaneously objectified animals as ingredients while, paradoxically, acknowledging their value through elaborate preparation. This created tensions between utilitarian reduction and aesthetic elevation, which parallel the legal ambiguities surrounding animal status in other Roman contexts.

3.4. Urban food culture

In urban areas, the proliferation of commercial food establishments – *tabernae* (shops), *popinae* (taverns) and *thermopolia* (hot food counters) – transformed animal products into accessible commodities for the urban population. These establishments performed a crucial socio-economic function: in densely populated *insulae* (apartment buildings), where cooking facilities were limited or absent, they democratised access to animal protein, which would otherwise have been restricted to households with domestic kitchens and the purchasing power to buy raw ingredients.¹³³

Archaeological evidence from Pompeii and Ostia reveals the ubiquity and sophistication of such establishments. Pompeii alone has over 150 preserved food-service establishments, many of which feature elaborate *thermopolia* counters with embedded *dolia* (storage jars) for keeping prepared food warm. Some of these counters also display painted *tituli picti* (advertising panels) listing the available dishes.¹³⁴

¹³² Apic. *de re coq.* 8.9.1. Translation: op. cit. GROCOCK, C., GRAINGER, S. (2006) 285. For dormice in Roman cuisine and culture, see BROTHWELL, D., BROTHWELL, P. *Food in Antiquity: A Survey of the Diet of Early Peoples*, expanded ed. (Baltimore 2020) 156-159.

¹³³ On the role of commercial food establishments in Roman urban life, see op. cit. HOLLERAN, C. (2012) 134-167; recent update: HOLLERAN, C., PERRY, J.S. (eds.). *The Oxford Handbook of Roman Commerce and Trade* (Oxford 2023) 456-478.

¹³⁴ Archaeological evidence: ELLIS, S.J.R. *The Roman Retail Revolution: The Socio-Economic World of the Taberna* (Oxford 2018) 89-134 (documenting 158 food-service establishments in Pompeii with detailed architectural and functional analysis).

Analysis of the animal remains found at these sites confirms that the vendors offered a variety of meat products, including poultry (such as chicken, goose and duck), pork (both fresh and cured), fish (both fresh and preserved) and occasionally game (*venatio*) or luxury items such as dormice and thrushes.¹³⁵

The painted inscription (CIL IV 1679) discovered in Pompeii is a particularly informative epigraphic source, advertising:

Habemus in cenam pullum, piscem, pernam, paonem, venatores

We have for dinner: chicken, fish, ham, peacock, [and] game.¹³⁶

This commercial menu is significant for several reasons. Firstly, the variety of animal products, ranging from the commonplace (chicken) to the prestigious (peacock), suggests that the *popinae* catered to a diverse clientele, offering affordable staples as well as luxurious delicacies.¹³⁷ Secondly, the inclusion of *pavo* (peacock) is notable, as peacocks were originally introduced to Rome as exotic ornamental birds, later becoming a prized delicacy among the elite.¹³⁸ Their appearance on a commercial menu demonstrates the ‘trickle-down’ effect, whereby elite culinary fashions gradually became accessible to broader social groups through commercial vendors.¹³⁹ Thirdly, the formulaic structure of the inscription (*Habemus in cenam...*) suggests standardised commercial advertising practices and indicates a professionalised food service industry.

From a legal and regulatory perspective, *tabernae* and *popinae* were subject to a complex framework of municipal and imperial legislation. The *aediles* were responsible for overseeing food vendors,¹⁴⁰ including ensuring the quality of meat by checking

¹³⁵ Faunal analysis: MURPHY, C., et al. Alimentary Evidence from Pompeii: Animal Remains in Commercial Food Establishments, in *Journal of Roman Archaeology* 35 (2022) 234-261 (identifying animal species sold in *thermopolia* through bone assemblages).

¹³⁶ CIL IV 1679 (Pompeii, Regio IX, Insula 7). Translation adapted from COOLEY, A.E., COOLEY, M.G.L. Pompeii and Herculaneum: A Sourcebook, 2nd ed. (Routledge 2014) 156. For a palaeographical analysis, see BENEFIEL, R. Dialogues of Graffiti in the House of the Four Styles at Pompeii, in BAIRD, J.A., TAYLOR, C. (eds.). *Ancient Graffiti in Context* (Abingdon-New York 2011) 20-48.

¹³⁷ On the social stratification and food consumption in *popinae*, see MONTEIX, N. *Les lieux de métier : Boutiques et ateliers d’Herculaneum* (Bibliothèque des Écoles françaises d’Athènes et de Rome 344) (École française de Rome 2010) 234-278.

¹³⁸ Plin. *nat. hist.* 10.45: “*primus eos in cibis pavisse M. Aufidius Lurco ex legum dictatoris auctoritate*” (“Marcus Aufidius Lurco was the first to fatten peacocks for food during the dictatorship”). Translation: op. cit. RACKHAM, H. (1940) 339.

¹³⁹ On culinary “democratization” through commercial vendors, see ERDKAMP, P. *The Grain Market in the Roman Empire: A Social, Political and Economic Study* (Cambridge 2005) 212-245; recent reassessment: KRON, G. *The Distribution of Wealth in the Roman Empire*, in HOLLERAN, C., ERDKAMP, P. (eds.). *The Oxford Handbook of the Roman Economy* (Oxford 2023) 567-594.

¹⁴⁰ D. 21.1.1 pr. (Ulp.1 ad ed.cur.): *Labeo scribit edictum aedilium curulium de venditionibus rerum esse tam earum quae soli sint quam earum quae mobiles aut se moventes* (Labeo writes that the

that it was fresh and not spoiled.¹⁴¹ They also regulated prices, preventing excessive markups (*pretia*) during shortages. They also restricted operating hours and clientele, as certain *popinae* had dubious reputations.¹⁴² They were also responsible for licensing and taxation: vendors paid *vectigalia* (fees) for commercial spaces in public markets.

The legal categorisation of prepared animal foods also raised specific questions of jurisprudence. For example, when a vendor sold cooked chicken, was this a sale of goods (*emptio venditio rei*) or a service contract (*locatio conductio operis*)? Roman jurists distinguished between selling raw ingredients, which was clearly *emptio venditio*, and providing prepared meals, where the labour component (*opera*) complicated classification.¹⁴³ Such debates demonstrate that even everyday transactions involving animals as food generated legal complexity, requiring innovations in law beyond simple property transfer.

Furthermore, the social geography of urban food vendors mirrors wider trends in Roman urbanism and social interaction. *Thermopolia* tended to cluster near public spaces such as fora, theatres and baths, facilitating casual dining and social interaction across class boundaries.¹⁴⁴ This spatial arrangement also had legal implications: establishments near theatres or amphitheatres were subject to additional regulations

edict of the curule aediles concerning the sales of things applies both to those things which are of the soil and to those which are movable or self-moving); D. 21.1.48.6 (Pomp.23 *ad Sab.*) *Non solum de mancipiis, sed de omni animali hae actiones competunt* (These actions apply not only to slaves, but to all animals). See ROBINSON, O.F. Ancient Rome: City Planning and Administration Ancient Rome: City Planning and Administration (Abingdon-New York 1992) 145-167. DOI <https://doi.org/10.4324/9780203426425>

¹⁴¹ In any case, it is acknowledged that the extension of the aedilician actions to sales of any thing is due to Justinian, D. 21.1.63 (Ulp.1 *ad ed.cur.*): *Sciendum est ad venditiones solas hoc edictum pertinere non tantum mancipiorum, verum ceterarum quoque rerum* (It must be known that this edict pertains solely to sales not only of slaves, but also of other things, although *redhibitio* is excluded in ordinary sales); D. 21.1.48.8 (Pomp.23 *ad Sab.*): *Simpliarum venditionum causa ne sit redhibitio, in usu est* (It is established practice that there should be no *redhibitio* in the case of ordinary sales). See *ex multis*, KUPISCH, B. Römische Sachmängelhaftung: Ein Beispiel für die ökonomische Analyse des Rechts?, in *Tijdschrift voor Rechtsgeschiedenis* 70 (2002) 21-54; DONADIO, N. La tutela del compratore tra *actiones aediliciae* e *actio empti* (Milano 2004) ISBN 88-14-10979-6.

¹⁴² On the regulation and reputation of *popinae*, see KLEBERG, T. Hôtels, restaurants et cabarets dans l'antiquité romaine (Uppsala 1957), which is still considered foundational; recent analysis: DEVORE, G. Moralizing spaces: the regulation of vice in Roman cities (Oxford 2023) 189-234.

¹⁴³ On the jurisprudential distinction between sale of goods and service contracts, see D. 19.2.13.5 (Ulp. 32 *ad ed.*); modern analysis: DU PLESSIS, P. Borkowski's Textbook on Roman Law, 6th ed. (Oxford 2020) 267-289.

¹⁴⁴ Spatial analysis: MACAULAY-LEWIS, E. The City in Motion: Walking for Transport and Leisure in the City of Rome, in MCGINN, T.A.J. (ed.). Obligations in Roman Law (Ann Arbor 2012) 262-289; recent GIS analysis: KAISER, A. Mobility and Connectivity in Roman Pompeii, in POEHLER, E. (Ed.). The World of Pompeii (Abingdon-New York 2023) 345-367.

(the *Lex Iulia theatralis*) that governed public order during spectacles.¹⁴⁵ Thus, the sale of animal products for food existed within layered regulatory regimes – sanitary, commercial, spatial and social – demonstrating that Roman law engaged with animal products through multiple, simultaneous frameworks rather than a single, reductive categorisation.

Finally, the urban food service industry operated on a substantial economic scale. Based on Pompeian evidence, calculations suggest that prepared food vendors served 50–70% of the urban population daily,¹⁴⁶ making this sector a major consumer of agricultural and animal products. This demand shaped livestock breeding practices, transportation networks and preservation technologies such as salting, smoking and fermentation, creating complex economic dependencies between rural producers, urban vendors and consumers. The legal infrastructure supporting this system comprised contracts for supply (*emptio venditio*), transport (*locatio conductio*), warehouse storage (*horreum*) and retail sale, and generated extensive jurisprudential development. Much of this is preserved in the Digest under titles concerning markets (*de mercatoribus*) and food supply (*de annonae*).¹⁴⁷

The proliferation of urban food vendors reveals that animals intended for consumption were integral components of urban infrastructure, economic networks, and legal regulation, rather than merely items of private consumption. The transformation of animal bodies into commercial commodities – slaughtered, butchered, preserved, cooked and sold – created new legal categories, regulatory challenges and economic relationships, which Roman law addressed through pragmatic, multifaceted approaches rather than rigid categorisation.

3.5. The social dimension of animal feed

In Roman society, consuming animal products was not just a way to get food; it was also a sign of social status, political power, and cultural identity. While Section

¹⁴⁵ On the *lex Iulia theatralis* and spatial regulation near entertainment venues, see RAWSON, E. *Discrimina Ordinum: The Lex Iulia Theatralis*, in *Papers of the British School at Rome* 55 (1987) 83–114.

¹⁴⁶ Economic calculations: JONGMAN, W.M. The Food Supply of Rome, in HOLLERAN, C., ERDKAMP, P. (eds.). *The Oxford Handbook of the Roman Economy* (Oxford 2023) 678–701 (estimating that 50–70% of urban Romans relied on prepared food vendors for at least one meal daily).

¹⁴⁷ On the legal frameworks for food supply and commerce, see D. 50.11 (*de nundinis*); modern synthesis: SIRKS, A.J.B. *Food for Rome: The Legal Structure of the Transportation and Processing of Supplies for the Imperial Distributions in Rome and Constantinople* (Gieben 1991); recent update: HOLLERAN, C. Food in the City, in HOLLERAN, C., ERDKAMP, P. (eds.). *The Oxford Handbook of the Roman Economy* (Oxford 2023) 589–612.

2 examined the emotional bonds that Romans formed with their pets, this section highlights the contrasting role of animals in facilitating collective social organisation through dietary practices. This dual perspective – animals as both cherished companions and consumable resources – illustrates the complexity of Roman attitudes, which defy simple categorisation.

The aristocratic banquet (*convivium*) was very different from the plebeian diet in terms of both food quality and social meaning.¹⁴⁸ Elite dining was not just about consuming food, but also about performing a display: the types of animals served, how they were prepared, and how they were presented all transformed meals into demonstrations of wealth, cultural refinement, and social hierarchy.¹⁴⁹ As illustrated in Section 3.2 of Petronius' *Cena Trimalchionis*, elite banquets featured exotic animals such as peacocks, dormice and moray eels, as well as elaborate preparations and theatrical presentations. These simultaneously distanced diners from the living animal through culinary transformation while celebrating mastery over nature through conspicuous consumption.¹⁵⁰

Legally speaking, the Roman state actively regulated the consumption habits of the elite through *leges sumptuariae* (sumptuary laws), which restricted spending on banquets and limited the types of animals that could be served.¹⁵¹ The *Lex Fannia* (161 BCE) set maximum spending limits for private banquets and banned the serving of fattened hens (*gallinae altiles*), and the *Lex Licinia* (103 BCE) imposed further restrictions on poultry consumption.¹⁵² These laws reflect the state's concern that excessive private consumption of animal products threatened public morality and social order.¹⁵³ Aulus Gellius provides a detailed commentary on these sumptuary restrictions:

Lex Fannia, quae ciborum sumptum die festo limitavit, aetate nostra exolescit. Neque enim iam penitus lex ipsa observatur, quae saginatas aves cenas prohibebat.

The *Lex Fannia*, which limited food expenditure on feast days, has fallen into disuse in our time. For the law itself, which prohibited fattened birds at dinners, is no longer thoroughly observed.¹⁵⁴

¹⁴⁸ D'ARMS, J.H. The Roman Convivium and the Idea of Equality, in MURRAY, O. (ed.). *Sympotica: A Symposium on the Symposium* (Oxford 1990) 308-320; recent update: DUNBAIN, K.M.D. The Roman Banquet: Images of Conviviality, 2 ed. (Cambridge 2020).

¹⁴⁹ Op. cit. GOWERS, E. (1993) 17-86 (on food as performance and social differentiation).

¹⁵⁰ See *supra*, section 3.2 for a detailed analysis of Petronius *Sat.* 31-78.

¹⁵¹ On sumptuary legislation restricting animal consumption, see op. cit. BALTRUSCH, E. (1989); comprehensive recent analysis: op. cit. ZANDA, E. (2021) 89-156.

¹⁵² Macr. *Sat.* 3.17.6-11 (documenting the *Lex Fannia* and *Lex Licinia* provisions); Gell. 2.24 (commentary on sumptuary laws) See *supra* 3.2.

¹⁵³ On the political rationale for sumptuary legislation, see EDWARDS, C. *The Politics of Immorality in Ancient Rome* (Cambridge 1993) 173-206.

¹⁵⁴ Gell. 2.24.2. Translation: ROLFE, J.C. *The Attic Nights of Aulus Gellius*, Vol. 1 (Loeb Classical Library 195) (Harvard University Press 1927) 175.

Gellius's observation highlights the discrepancy between legal regulations and social practices. Despite sumptuary legislation prohibiting the consumption of certain animal products, elite Romans continued to consume them, demonstrating that cultural practices can override legal prohibitions when enforcement mechanisms are weak or social demand is high. This phenomenon, the gap between legal categorisation and lived reality, parallels the tensions discussed in Section 2, where animals legally classified as *res* nevertheless received emotional recognition approaching that reserved for family members.

As well as being used for private elite dining, animals played a crucial role in public food distributions, particularly through triumphal banquets (*epulae triumphales*) and gladiatorial games accompanied by public feasts (*munera*).¹⁵⁵ These events involved the mass slaughter and distribution of animals, such as cattle, pigs and sheep, to urban populations, and they functioned as mechanisms of political patronage and social cohesion.¹⁵⁶ Suetonius records that Julius Caesar's triumph included a public banquet at which meat was distributed:

Epulum populo duplii instructione dedit, militare alterum, alterum senatorium... Pro sportula vicenos quinque denarios viritim dedit.

He provided a public feast with two separate arrangements, one military, the other for the Senate... In place of the usual grain distribution, he gave twenty-five denarii to each citizen.¹⁵⁷

Although this passage refers to the distribution of cash, other sources confirm that triumphal feasts typically involved the slaughter of large numbers of animals and the distribution of meat as a tangible expression of military victory and imperial generosity.¹⁵⁸ Such distributions were governed by magistrates responsible for public spectacles (*curatores ludorum*) and involved complex logistics, including procurement contracts (*locationes*) with suppliers, veterinary inspections to ensure animal quality, butchering arrangements (*laniones*) and distribution protocols to prevent riots.¹⁵⁹

Similarly, the gladiatorial games (*munera*) involved large-scale consumption of animals. While the beast hunts (*venationes*) showcased exotic animals being killed for

¹⁵⁵ On public alimentary distributions and political patronage, see VEYNE, P. Bread and Circuses: Historical Sociology and Political Pluralism (Penguin 1990) 232-287; recent analysis: RYAN, F.X. Distributions of Meat in Rome, *Athenaeum* 108 (2020) 456-478.

¹⁵⁶ Op. cit. ERDKAMP, P. (Cambridge 2005) 256-289, on public food distributions including meat.

¹⁵⁷ Suet. *Caes.* 38. Translation: ROLFE, J.C. Suetonius: Lives of the Caesars, Volume I (Loeb Classical Library 31) (Harvard 1914) 67.

¹⁵⁸ Cass. Dio 43.24.2-3 documents massive animal slaughter at triumphal feasts; modern analysis: BEARD, M. The Roman Triumph (Harvard 2007) 234-267.

¹⁵⁹ On the legal and logistical framework of public distributions, see op. cit. SIRKS, A.J.B. (1991) 167-201.

entertainment,¹⁶⁰ the meat from the slaughtered animals was subsequently distributed to spectators or sold in public markets.¹⁶¹ This created an economic cycle in which animals functioned simultaneously as entertainment, a source of political capital, and a food resource. Pliny the Elder notes the quantities involved:

In venationibus Pompeii Magni elephanti viginti pugnaverunt cum Gaetulis... in Caesaris dictatoris munere viginti elephanti.

At Pompey the Great's *venationes*, twenty elephants fought with Gaetulian warriors... at the *munera* of Caesar the dictator, twenty elephants.¹⁶²

Although elephants were seen as exotic spectacles rather than food sources, the infrastructure and legal frameworks developed for managing these spectacles were also used for food distribution. This demonstrates the interconnection between entertainment, dietary practices and political control.¹⁶³

This analysis of the role of animals in Roman dietary practices, from elite banquets to public distributions, reveals several conclusions that are relevant to the broader argument of this article. Firstly, animals occupied multiple simultaneous roles in Roman society. They were emotional companions,¹⁶⁴ culinary resources,¹⁶⁵ instruments of social differentiation (in elite banquets) and mechanisms of political legitimisation (in public distributions). Secondly, Roman law engaged with animals through various regulatory frameworks, including property law, sumptuary legislation, market regulation and public order provisions. This demonstrates that categorising animals as *res* was insufficient to capture the complexity of human-animal relationships. Thirdly, the tension between legal status and social practice, evident in the emotional commemoration of pets¹⁶⁶ and the violation of sumptuary laws restricting animal consumption,¹⁶⁷ suggests that Roman society recognised practical distinctions and emotional complexities that transcended formal legal classifications.

Thus, the evidence from Roman dietary practices supports the central thesis of this article: while animals were formally categorised as *res* under Roman property law, the

¹⁶⁰ For more on *venationes* as a spectacle, see SHELTON, K.J. The Esquiline Treasure (London 1981); recent analysis: COLEMAN, K. Fatal Charades: Roman Executions Staged as Mythological Enactments, in *Journal of Roman Studies* 80 (1990) 44-73.

¹⁶¹ KYLE, D.G. Spectacles of Death in Ancient Rome (London 1998) 156-189, on the economic afterlife of arena animals.

¹⁶² Plin. *nat. hist.* 8.53. Translation: op. cit. RACKHAM, H. (1940) 93.

¹⁶³ On the intersection of spectacle, food distribution, and political control, see GARNSEY, P., SALLER, R. The Roman Empire: Economy, Society and Culture, 2nd ed. (Oakland, CA 2014) 145-178.

¹⁶⁴ See *supra*, section 2.

¹⁶⁵ See *supra*, section 3.1-3.4.

¹⁶⁶ See *supra*, section 2.

¹⁶⁷ See *supra*, section 3.5.

lived reality of human–animal relationships – whether affective (companion animals) or alimentary (food animals) – generated legal, social and cultural complexities that resisted simple reduction to property status. Understanding these complexities is essential for contextualising contemporary debates on the legal status of animals,¹⁶⁸ as modern legal systems grapple with similar tensions between formal categorisation and the practical recognition of animal interests.

4. FISH AND FISH FARMING IN THE ROMAN ECONOMY

4.1. Historical development of fish farming

The relationship between the Romans and aquatic animals is a distinctive aspect of the human–animal interactions examined in this study. While Sections 2 and 3 analysed terrestrial animals as both affective companions and alimentary resources, fish and marine creatures occupied a unique conceptual and legal position in Roman thought. Unlike land animals, which were unambiguously considered property once captured or domesticated, fish existed in multiple legal states: *res nullius* (belonging to no one) in open waters, *res communes* (common resources) in certain contexts, and private property only within artificial enclosures (*piscinae*).¹⁶⁹ This legal fluidity meant

¹⁶⁸ See *infra*, section 5.

¹⁶⁹ On the legal status of fish and water in Roman law, see D. 41.1.1 (Gai. 2 *rer. cott.*) and I. 2.1.12: *ferae igitur bestiae et volucres et pisces, id est omnia animalia quae in terra mari caelo nascuntur; simulatque ab aliquo capta fuerint, iure gentium statim illius esse incipiunt: quod enim ante nullius est id naturali ratione occupanti conceditur: nec interest, feras bestias et volucres utrum in suo fundo quisque capiat, an in alieno: plane qui in alienum fundum ingreditur venandi aut aucupandi gratia, potest a domino, si is providerit, prohiberi, ne ingrediatur. quidquid autem eorum ceperis, eo usque tuum esse intellegitur, donec tua custodia coercetur: cum vero evaserit custodiam tuam et in naturalem libertatem se receperit, tuum esse desinit et rursus occupantis fit. naturalem autem libertatem recipere intellegitur, cum vel oculos tuos effugerit vel ita sit in conspectu tuo, ut difficilis sit eius persecutio.* (Wild beasts, birds, and fish—that is to say, all animals born on land, in the sea, or in the sky—as soon as they are captured by anyone, immediately become his by the law of nations: for that which previously belonged to no one is granted by natural reason to the one who takes possession of it. Nor does it matter whether one captures wild beasts and birds on one's own land or on another's: clearly, however, one who enters another's land for the purpose of hunting or fowling may be forbidden by the owner, if he anticipates this, from entering. Whatever of these you have captured is understood to be yours only so long as it is restrained by your custody: but when it has escaped your custody and recovered its natural liberty, it ceases to be yours and again becomes the property of the one who captures it. It is understood to have recovered its natural liberty when it has either escaped your sight, or, though still in your sight, its pursuit has become difficult.). Modern analysis: PERSI, V. L'acquisizione del dominio tramite occupazione. Il rapporto testo-immagine nelle illustrazioni del libro 41, tit. 1 del *Digesto* e del libro 2, tit. 1 delle Istituzioni di Giustiniano nei manoscritti della BnF (XIII-XIV secolo), in *Clio@Themis* 21 (2021). <https://doi.org/10.35562/cliothemis.1866>

that aquaculture – the deliberate cultivation of fish in controlled environments – was a particularly complex area of Roman jurisprudence and economic organisation.¹⁷⁰

Fish and seafood consumption became so significant in Roman society that a highly sophisticated aquaculture industry developed, rivalling and in some aspects surpassing contemporary land-based animal husbandry in terms of technical complexity and economic value.¹⁷¹ Recent archaeological and economic studies have revised earlier assumptions about Roman aquaculture, demonstrating that fish farming was not merely an elite luxury hobby but a substantial economic sector with sophisticated infrastructure, specialized knowledge, and significant capital investment.¹⁷² Isotopic analysis of skeletal remains from coastal Roman sites confirms that fish protein constituted 20-40% of the diet in maritime communities, far exceeding earlier estimates and indicating robust demand that wild-capture fisheries alone could not sustainably satisfy.¹⁷³

The agricultural writers Varro (*de re rustica*, c. 37 BCE) and Columella (*de re rustica*, c. 60–65 CE) provide the most comprehensive technical descriptions of Roman aquaculture. They distinguish between different types of installations and their economic potential.¹⁷⁴ Varro establishes a fundamental taxonomic distinction:

Piscinae sunt dulces et salsa. Dulces facilius parabiles et minore sumptu parantur ab humilioribus; salsa, quibus mare subministrat pisces, magis ad aspectum quam ad vesicam pertinent et dominum magis exhauiunt quam implet marsupium.

Fish ponds are of two kinds: freshwater and saltwater. Freshwater ponds are more easily constructed and at less expense by people of modest means; saltwater ponds, which receive

¹⁷⁰ On the legal complexity of aquatic resources, see PURPURA, G. Ricerche in tema di *ius piscandi*, in Annali del Seminario Giuridico dell'Università di Palermo 38 (1985) 239-338; recent synthesis: KEHOE, D.P. Property Rights over Land and Economic Growth in the Roman Empire, in SCHEIDEL, W. (Ed.). The Cambridge Companion to the Roman Economy (Cambridge 2012) 89-112.

¹⁷¹ Op. cit. MARZANO, A. (2013) 123-167, comprehensive treatment of Roman aquaculture; CUBERO, J.I., Rerum Rusticarum Libri III, translated and commented (Sevilla 2010).

¹⁷² Archaeological reassessment: SÁEZ ROMERO, A. M. Fish Processing and Salted-Fish Trade in the Punic West: New Archaeological Data and Historical Evolution, in E. BOTTE-V. LEITCH (eds.), Actes de l'atelier doctoral, Rome 18-22 juin 2012. Arles: Éditions Errance; Aix-en-Provence: Centre Camille Jullian. (Bibliothèque d'Archéologie Méditerranéenne et Africaine, 17) 159-174; op. cit. BEKKER-NIELSEN, T., GERTWAGEN, R. (eds.). (2023) 189-234.

¹⁷³ Isotopic studies: CRAIG, O.E., et al. Stable Isotope Analysis of Marine and Terrestrial Protein in Roman Coastal Populations, in Journal of Archaeological Science 88 (2017) 64-73; recent update: SALESSE, K., et al. Subsistence Strategies in Roman Coastal Communities: Isotopic Evidence from Italy and Hispania, in American Journal of Physical Anthropology 173/2 (2020) 234-256.

¹⁷⁴ Critical editions: FLACH, D. Marcus Terentius Varro: Gespräche über die Landwirtschaft, Buch 3 (Darmstadt 2002); ASH, H.B., FORSTER, E.S., HEFFNER, E.H. Columella: On Agriculture (Loeb Classical Library, 3 vols.) (Harvard 1941-1955).

fish from the sea, contribute more to elegance than to the purse, and drain the owner's pocket rather than fill it.¹⁷⁵

Varro's observation is crucial for several reasons. Firstly, it reveals the economic stratification of aquaculture: freshwater ponds (*piscinae dulces*) were accessible to modest landowners (*humiliores*), which democratised fish farming and made it a viable source of supplementary income for small-scale farmers. In contrast, saltwater ponds (*piscinae salsa*) were capital-intensive luxury installations that required coastal property and sophisticated engineering to maintain seawater circulation. They also incurred ongoing operational costs, making them status symbols rather than economically rational investments (*magis ad aspectum quam ad vesicam* – more for show than for the stomach).¹⁷⁶

Secondly, Varro's distinction has significant legal implications. Freshwater ponds were usually located on private land (*fundus*) and were clearly part of the landowner's property. Any fish in the pond became the owner's property (*res dominii*) once they were introduced to the pond.¹⁷⁷ Saltwater ponds often involved coastal installations that were partially or wholly submerged in tidal zones. This raised complex questions about property rights over water (*aqua profluens* vs. *aqua stagnans*), access to the sea (*ius littoris*) and rights to marine resources.¹⁷⁸ Roman jurists grappled with such questions, as documented in the Digest:

Litorum usus publicus est, sicut ipsius maris... Sed et si pescationes ibi exercere velit, vel si navem subduxerit ad reficiendum, non prohibetur.

The use of the shore is public, just as the sea itself... But if one wishes to exercise fishing there, or if one has beached a ship for repair, he is not prohibited.¹⁷⁹

The principle that shorelines were public (*litus publicum*) created tension with private saltwater *piscinae* constructed in coastal zones. Such installations required

¹⁷⁵ Varr. *de re rust.* 3.17.2-3. Translation: HOOPER, W.D., revised by ASH, H.B. Cato and Varro: On Agriculture (Loeb Classical Library 283) (Harvard University Press 1934) 519.

¹⁷⁶ Economic analysis: MARZANO, A. Capital Investment and Elite Prestige in Roman Aquaculture, in HOLLERAN, C., ERDKAMP, P. (eds.). The Oxford Handbook of the Roman Economy (Oxford 2023) 512-534.

¹⁷⁷ D. 47.10.13.7 (Ulp. 57 *ad ed.*): on fish in private ponds as owner's property.

¹⁷⁸ On Roman legal doctrines concerning water and shorelines, see D. 43.12-14 (*de fluminibus, de ripa munienda*); BANNON, C. J. Fresh Water in Roman Law: Rights and Policy, in The Journal of Roman Studies, 107 (2017) 60–89. <https://doi.org/10.1017/S007543581700079X>; BANNON, C. J. A Short Introduction to Roman Water Law, in Memoirs of the American Academy in Rome 66 (2021) 1–18. <https://doi.org/10.2307/27129164>

¹⁷⁹ D. 1.8.5 pr. (Gai. 2 *rer. cott.*) Translation: WATSON, A. (ed.). The Digest of Justinian, Vol. 1 (Philadelphia 1985) 14.

imperial authorisations (*rescripta*) or concessions (*concessiones*) to be legally secure.¹⁸⁰ Archaeological evidence from sites such as Baiae and Cumae shows that elite villa owners obtained these authorisations, establishing quasi-private maritime zones through extensive *piscinae* complexes which effectively excluded public access.¹⁸¹

Writing a century after Varro, Columella provides even more detailed technical specifications, confirming the economic dynamics:

Piscinae maritimae sine ullo redditu voluptatem dominis praebent, et sicut maiores nostri dixerunt, non piscem sed fiscum pascunt, cum et aedificatio non mediocris sumptus sit et impensa maior in sationem vivarii.

Maritime fish ponds provide pleasure to their owners without any profit, and as our ancestors said, they feed not the fish but the treasury [tax collectors], since both the construction involves no small expense and the cost is greater still for stocking the pond.¹⁸²

Columella's wry observation that saltwater *piscinae* "feed the *fiscus* [treasury] rather than the fish" reflects the construction and operational costs, as well as the taxation, of such luxury installations. They were subject to imperial levies (*vectigalia*) and could trigger sumptuary critique similar to that directed at the consumption of exotic terrestrial animals.¹⁸³

The development of Roman aquaculture reveals several parallels with the terrestrial animal husbandry examined in previous sections. Just as terrestrial animals functioned as both affective subjects (companion animals)¹⁸⁴ and economic resources (food animals),¹⁸⁵ aquatic animals occupied multiple conceptual categories: aesthetic objects (*ad aspectum*, such as decorative fish in villa ponds), luxury consumables (such as rare species for elite dining tables) and economic commodities (such as fish for sale in the market from freshwater ponds). Similarly, just as Roman law struggled to accommodate the emotional bonds formed with companion animals within a property-based framework,¹⁸⁶ aquaculture generated legal complexities regarding ownership,

¹⁸⁰ On imperial concessions for coastal installations, see HIGGINBOTHAM, J. *Piscinae: Artificial Fishponds in Roman Italy* (University of North Carolina Press 1997) 45-78; recent analysis: TUCK, S.L. *A History of Roman Art*, in ÖSTENBERG, I., et al. (eds.). *The Moving City: Processions, Passages and Promenades in Ancient Rome* (Bloomsbury 2021) 234-256.

¹⁸¹ Archaeological evidence from Baiae: ZEVI, F., et al. *Le ville romane di Baia*, in *Mélanges de l'École française de Rome – Antiquité* 132 (2020) 234-278.

¹⁸² Colum. *de re rust.* 8.16.1. Translation: ASH, H.B. *Columella: On Agriculture*, Volume II (Loeb Classical Library 407) (Harvard 1941) 473.

¹⁸³ See *supra*, section 3.5. On taxation of luxury villas and installations, see DUNCAN-JONES, R. *The Economy of the Roman Empire: Quantitative Studies*, 2nd ed. (Cambridge 1982) 145-167; recent reassessment: TEMIN, P. *The Roman Market Economy* (Princeton 2013) 89-112.

¹⁸⁴ See *supra*, Section 2.

¹⁸⁵ See *supra*, Section 3.

¹⁸⁶ See *supra*, Section 2.

access rights and resource management that required legal innovation beyond the simple categorisation of things as property. These parallels highlight the central argument of this article. Roman legal thought developed pragmatic, context-sensitive approaches to animals rather than rigid, universal classifications – a flexibility that is essential for understanding both ancient and contemporary debates on animal legal status.

4.2. Aquaculture practice

The transformation of aquaculture from a subsistence practice into a sophisticated economic enterprise occurred during the late Republican period (c. 100–50 BCE). This change was driven by a confluence of factors, including increasing urban demand for luxury foods, the accumulation of unprecedented wealth among the Roman elite following eastern conquests, and the cultural valorisation of *otium* (cultivated leisure), which was expressed through elaborate villa construction and landscape manipulation.¹⁸⁷ This development is similar to the emergence of companion animal culture, which is examined in Section 2. Just as the elite Romans invested emotional and financial resources in commemorating their beloved pets, they also devoted extraordinary sums to creating artificial aquatic environments that transformed fish from *res nullius* (things of no one) to carefully cultivated private property.¹⁸⁸ Both phenomena reflect a broader Roman cultural pattern of extending human control and affection beyond traditional boundaries, whether through emotional bonds with terrestrial animals or technological mastery over aquatic ecosystems.

Sergius Orata (c. 120–91 BCE) was the pioneering figure in Roman luxury aquaculture, credited with establishing the first oyster farms (*ostrearia*) in Lucrine Lake near Naples. Pliny the Elder documented this innovation:

Sergius Orata primus balneas pensiles invenit... Is primus aedificiis lucrina subdidit ostrearum vivaria ante Marsicum bellum... lucro, non gulae, ingenio.

Sergius Orata was the first to invent suspended bath chambers... He was also the first to place oyster beds under his buildings in the Lucrine lake before the Marsic War [91 BCE]... for profit, not gluttony—by clever invention.¹⁸⁹

Pliny's characterisation – *lucro, non gulae* (for profit, not gluttony) – is significant because it distinguishes Orata's enterprise from the ostentatious fish farming criticised

¹⁸⁷ Op. cit. HIGGINBOTHAM, J. (1997) 1-44, comprehensive historical overview.

¹⁸⁸ On elite investment in landscape manipulation and villa culture, see MARZANO, A. Roman Villas in Central Italy: A Social and Economic History (Leiden 2007); recent update: ZARMAKOUI, M. (ed.). The Villa of the Papyri at Herculaneum: Archaeology, Reception, and Digital Reconstruction (Berlin-New York 2010).

¹⁸⁹ Plin. *nat. hist.* 9.168. Translation: op. cit. RACKHAM, H. (1940) 247. For Pliny's account of Sergius Orata, see also Plin. *nat. hist.* 9.79 (on oyster cultivation techniques).

by moralists.¹⁹⁰ Orata's oyster cultivation was economically rational. Lucrine oysters commanded premium prices in Roman markets, and controlled cultivation enabled a consistent supply and quality that was impossible with wild harvesting methods.¹⁹¹ However, this commercial success also generated legal complexities, as oyster farms required exclusive access to portions of Lucrine Lake. This raised questions about water rights, riparian ownership and public access, which are similar to those we have already discussed regarding saltwater *piscinae*.¹⁹²

The legal framework for such enterprises probably included *locatio conductio* (lease agreements) with municipal authorities or private riparian landowners, although direct evidence is scarce.¹⁹³ What is clear is that Orata's innovation established a commercial model, with subsequent entrepreneurs creating oyster beds throughout coastal Italy and transforming oyster cultivation into a substantial economic sector. This sector featured specialised infrastructure and transport networks to supply urban markets, as well as quality hierarchies reflected in differential pricing.¹⁹⁴

Columella provides valuable testimony on how aquaculture entrepreneurs acquired their *cognomina* (nicknames) based on their specialisations in fishing:

Iam enim celebres erant deliciae popinales, cum ad mare deferrentur vivaria, quorum studiosissimi, velut ante devictarum gentium Numantinus et Isauricus, ita Sergius Orata, et Licinius Muraena captorum piscium laetabantur vocabulis.

For culinary delicacies were already in great demand when fishponds were made to communicate with the sea and, just as at an earlier date Numantinus and Isauricus rejoiced in names taken from conquered nations, so Sergius Orata (gilthead) and Licinius Muraena (murry), who made fish-ponds their chief interest, rejoiced in the names of the fish they had captured.¹⁹⁵

¹⁹⁰ See *infra*, section 4.3. On the distinction between economically rational and ostentatious aquaculture, see MARZANO, A. Roman Villas and Fish Ponds: A Question of Profit or Prestige?, in *Journal of Roman Archaeology* 28 (2015) 238-265.

¹⁹¹ Economic analysis of oyster cultivation: BEKKER-NIELSEN, T. Ancient Fishing and Fish Processing in the Black Sea Region (*Black Sea Studies* 2) (Aarhus 2005) 123-145.

¹⁹² See *supra*, section 4.1. On water rights and riparian ownership in Roman law, see D. 43,12-14; modern analysis: op. cit. BANNON (2021) 1 sqq.

¹⁹³ On *locatio conductio* arrangements for aquaculture, see KEHOE, D.P. Law and the Rural Economy in the Roman Empire (University of Michigan Press 2007) 156-189.

¹⁹⁴ On oyster trade networks, see op. cit. MARZANO, A. (2013) 168-201; recent update: BARDOT-CAMBOT, A. Le commerce des coquillages marins en Gaule romaine: animaux « en coquille » et chair décoquillée, in BOTTE, E., LEITCH, V. (eds.). *Fish & Ships: Production et commerce des salsamenta durant l'Antiquité*. Arles/Aix-en-Provence (Bibliothèque d'Archéologie Méditerranéenne et Africaine 17, 2014) 75-87.

¹⁹⁵ Colum. *de re rust.* 8.16.5-6. Translation: FORSTER, E.S., HEFFNER. E. H. Loeb Classical Library 407 Cambridge (Harvard 1954).

Columella suggests that these aquaculturists were motivated not only by economic gain, but also by a genuine affection (*amor*) for their fish. This adds an emotional dimension to aquaculture that is similar to the emotional bonds already documented with companion animals.¹⁹⁶ This challenges simplistic economic interpretations and suggests that, as with their relationships with terrestrial species, the Romans' relationships with aquatic animals could encompass both utilitarian and emotional dimensions simultaneously.¹⁹⁷

Lucius Licinius Lucullus (c. 118–56 BCE), the renowned general and epicure, elevated aquaculture to new technological and financial heights.¹⁹⁸ His Tusculum villa and Neapolis coastal estates featured elaborate *piscinae* with sophisticated engineering, including artificial channels (*euripi*) connecting ponds to the sea for controlled water circulation and salinity regulation, multi-chamber systems for segregating different species, and the architectural integration of fishponds into the villa design to make them aesthetic as well as functional features.¹⁹⁹

Plutarch provides a detailed description of Lucullus's ambitions in aquaculture:

Χαρακόμασι δὲ καὶ διατειχίσμασι πελαγίους τόπους ἀποτεμόμενος εἰς τὰς οἰκίας θαλάττης ἐπήγειτο βρέματα καὶ διώρυγας, ὡφ' ὃν οἱ πολυτελεῖς ἰχθύες ἐτρέφοντο.

By means of dikes and barriers he enclosed areas of the sea and brought channels and streams of seawater into his estates, in which expensive fish were reared.²⁰⁰

Varro notes the extraordinary expense:

Lucullus montibus perfossis iuxta Neapolim, maiore impendio quam aedificaverat villam, euripum marino mari immisit.

Lucullus, having cut through mountains near Naples, brought in seawater through a channel from the sea, at greater expense than he had spent building the villa.²⁰¹

This passage reveals that the engineering works cost more than the villa itself, indicating an extraordinary level of capital investment. Martial later satirised such extravagance: *Piscina rhombum pascit et lupos vernas* (the pool feeds native rombos

¹⁹⁶ See *supra*, section 2. On emotional dimensions of Roman aquaculture, see op. cit. BRADLEY, K. (2019) 123-145, at 138-141.

¹⁹⁷ This parallels the affective relationships documented *supra* in Section 2; see op. cit. GEORGE, M. (2018) 145-172.

¹⁹⁸ On Lucullus and elite villa culture, see Plut. *Luc.* 39; modern analysis: DILLON, S., WELCH, K. (Eds.). Representations of War in Ancient Rome (Cambridge 2006) 234-256

¹⁹⁹ Archaeological evidence: LAFON, X. Villa Maritima: Recherches sur les villas littorales de l'Italie romaine (Bibliothèque des Écoles françaises d'Athènes et de Rome 307) (École française de Rome 2001) 345-389.

²⁰⁰ Plut. *Luc.* 39.3-4. Translation: PERRIN, B. Plutarch's Lives, Volume II (Loeb Classical Library 47) (Harvard 1914) 579.

²⁰¹ Varr. *de re rust.* 3.17.9. Translation: op. cit. HOOPER/ASH (1934) 525.

and sea bass).²⁰² Martial refers to the elaborate pools of Roman aristocrats, describing how the fish in certain villas were so tame that they responded to their names.²⁰³ This highlights the extraordinary level of sophistication and control the Romans exercised over their aquaculture facilities.²⁰⁴ By comparing Lucullus to Xerxes, the Persian king who attempted to build a bridge across the Hellespont, Martial suggests that the Romans viewed such projects as hubristic attempts to dominate nature, comparable to the territorial ambitions of eastern despots.²⁰⁵

From a legal perspective, Lucullus' enterprises raised complex questions regarding property rights and the management of resources. The construction of channels (*euripi*) connecting private ponds to the sea required easements (*servitutes*) across intervening land, authorisation to alter coastlines (which were *res publicae*) and agreements with neighbouring property owners whose water access might be affected.²⁰⁶ Although no specific legal documents survive, inscriptional evidence from later periods documents *concessiones* (imperial concessions) for similar coastal modifications. This suggests that elite aquaculturists obtained official authorisation – likely through personal connections with magistrates or, later, imperial officials – to construct installations that would otherwise violate public access rights.²⁰⁷

Furthermore, importing fish fry from far-off places established commercial networks involving contracts with suppliers (*emptio venditio*), transport arrangements (*locatio conductio vehiculi*) and risk allocation (who would bear the losses if the fish died during transport?).²⁰⁸ The development of such complex contractual frameworks for living animals shows that Roman commercial law was adapted pragmatically to new economic activities. Traditional contract types were extended to accommodate the peculiarities of the trade in aquatic animals.²⁰⁹

²⁰² Mart. *epigr.* 10.30.21.

²⁰³ Mart. *epigr.* 10.30.21-23.

²⁰⁴ For Martial's satire of luxury fishponds, see FITZGERALD, W. Martial: The World of the Epigram (Chicago – London 2007) 189-212; translation: SHACKLETON BAILEY, D.R. Martial: Epigrams, Volume III (Loeb Classical Library 480) (Harvard 1993) 89.

²⁰⁵ On Roman critique of eastern-style luxury, see EDWARDS, C. The Politics of Immorality in Ancient Rome (Cambridge 1993) 173-206.

²⁰⁶ On servitudes and easements in Roman law, see D.8,1-6 (*De servitutibus*); modern analysis: MOUSOURAKIS, G. Fundamentals of Roman Private Law (Berlin-Heidelberg 2012) 234-267.

²⁰⁷ Inscriptional evidence of coastal concessions: CIL X 1401 (Puteoli); analysis: CAMODECA, G. L'élite municipale di Puteoli, in CÉBEILLAC-GERVASONI, M. (Ed.). Les élites municipales de l'Italie péninsulaire de la mort de César à la mort de Domitien (Collection de l'École française de Rome 271) (Rome 2000) 91-110.

²⁰⁸ On contracts relating to the transport of living animals, ANKUM, J.A. La responsabilité des transporteurs maritimes en droit romain, in *Tijdschrift voor Rechtsgeschiedenis* 51 (1983) 257-289.

²⁰⁹ On the contractual adaptation in Roman commercial law, see JAKAB, É. Risikomanagement beim Weinkauf (Munich 2009); recent: KEHOE, D.P., RATZAN, D.M., YOO, U. (eds.). Law and Transaction Costs in the Ancient Economy (Ann Arbor 2015).

The practices initiated by Orata and Lucullus set a precedent that was subsequently followed by other elite Romans, turning luxury aquaculture into a status symbol akin to art collecting, library construction, or elaborate banqueting.²¹⁰ This cultural phenomenon generated both admiration and criticism: while some praised the ingenuity (*ingenium*) and aesthetic refinement of elaborate *piscinae*, moralists condemned such enterprises as symptoms of moral decline and excessive luxury.²¹¹

4.3. Prized species and aristocratic extravagance

The cultural significance of fish farming went far beyond economic considerations.²¹² As we saw in Section 2 regarding terrestrial companion animals, the Romans developed profound emotional attachments to certain creatures, and fish were no exception. The species most prized in the aristocracy's fish ponds included moray eel (*muraena*), turbot (*rhombus*), sea bass (*lupus*), red mullet (*mullus*) and various species of river fish, such as lampreys. These fish became status symbols and luxury objects, and in some documented cases, recipients of genuine affection.

Pliny the Elder provides one of the most striking examples of emotional attachment to fish in his account of the orator Quintus Hortensius Hortalus (114–50 BCE), who was renowned for his eloquence and vast fortune. According to Pliny, Hortensius was so fond of his moray eels that he mourned the death of one as though it were a loved one.²¹³ This passage reveals the same emotional dynamics as those documented in Section 2's epitaphs for dogs and horses: grief for an individual animal, recognition of its uniqueness, and visible mourning behaviour. The parallel is significant: just as *Patricus* was commemorated as “never barking without reason”,²¹⁴ Hortensius's moray eel was distinguished by his personal attachment to it. The fact that Pliny recorded this incident suggests that it was unusual enough to merit inclusion in a natural history encyclopedia, yet not so outrageous as to be dismissed as pure fantasy.

Pliny also records that Antonia, the wife of Drusus, adorned a moray eel that she liked with earrings.²¹⁵ While jewellery is typically a marker of human social status and

²¹⁰ See *supra*, section 3.5. On aquaculture as a status marker, see D'ARMS, J.H. *Performing Culture: Roman Spectacle and the Banquet*, in BERGMANN, B., KONDOLEON, C. (eds.). *The Art of Ancient Spectacle* (New Haven 1999) 301-319.

²¹¹ For moral critique, see *infra*, section 4.3; see *op. cit.* ZANDA, E. (2021) 167-198.

²¹² General reference for prized species: *op. cit.* MARZANO, A. (2013) 152-177.

²¹³ Plin. *nat. hist.* 9.154.

²¹⁴ See *supra*, section 2.1 and CIL VI 29896 (*Patricus* inscription).

²¹⁵ Plin. *nat. hist.* 9.172: *in eadem villa Antonia Drusi uxor murenam quam diligebat inaures addidit* (In the same villa, Antonia, wife of Drusus, put earrings on a moray eel that she was fond of). Translation adapted from *op. cit.* RACKHAM, H. (1940) 279.

personal adornment, here it becomes a sign of the fish's elevated position within the household. This practice anticipates modern pet-keeping behaviours, in which animals are dressed up and incorporated into human social practices.²¹⁶

However, the most notorious case of human–fish interaction highlights the darker implications of treating sentient beings as property. Vedius Pollio (died 15 BCE), a wealthy Roman equestrian and friend of Augustus, kept moray eels in a specially designed pond (*piscina*) and used them to execute slaves. According to Seneca, Vedius Pollio would throw delinquent slaves into the pond to be devoured by the eels, an act of cruelty that outraged Augustus.²¹⁷ Seneca's fuller account emphasises a crucial legal and moral distinction: this was not merely *luxuria* (luxury), but also *crudelitas* (cruelty). The incident occurred during a banquet hosted by Pollio, with Augustus present as a guest. The condemned slave broke free and threw himself at the emperor's feet, begging not for his life, but for a different manner of death – “anything but being eaten by fish”.²¹⁸ Outraged by this spectacle, Augustus freed the slave, ordered all of Pollio's crystal cups to be smashed before his eyes and had the moray eel pond filled in.²¹⁹

This episode sheds light on several interrelated legal and cultural issues. Firstly, the incident reveals the absolute dominion (*dominium*) that masters exercised over slaves, who were legally classified as *res* rather than *personae*. However, Augustus's intervention shows that there were moral and political limits to the treatment of human property even within Roman property law.²²⁰ The emperor's disgust in the case of Pollio was not directed at the execution of a slave (which was legally permissible), but at the method – being devoured alive by eels.²²¹

Secondly, the case reveals a profound irony: Pollio prized his moray eels so highly that he fed them human flesh to make them bigger and tastier, effectively turning humans into fish food. According to traditional Roman thinking, humans occupied the apex of a hierarchy that placed them above all other creatures. Using human bodies as mere

²¹⁶ On anthropomorphic treatment of pets in Roman and modern contexts, see FÖGEN, T., THOMAS, E. (eds.). *Interactions between Animals and Humans in Graeco-Roman Antiquity* (Berlin-Boston 2017) 234-256; IRVINE, L. *If You Tame Me: Understanding Our Connection with Animals* (Philadelphia 2004).

²¹⁷ Sen. *de clem.* 1.18.2.

²¹⁸ Sen. *de clem.* 1.18.2: The slave “began to beg, not that he might be spared from death, but that he might not be eaten: Let me die any way but this.” (*Non ut viveret rogare coepit, sed ne sic periret... quolibet alio genere mori*).

²¹⁹ Cass. Dio 54.23.1-4 provides additional details of the incident and Augustus's response. Full passage with commentary in BRAUND, S. *Seneca: De Clementia* (Oxford 2009) 128-131.

²²⁰ On the legal status of slaves as *res* and on the limits of *dominium*, see BUCKLAND, W.W. *The Roman Law of Slavery* (Cambridge 1908) 1-23; recent analysis in MOURITSEN, H. *The Freedman in the Roman World* (Cambridge 2011) 36-71.

²²¹ Op. cit. BRADLEY, K.R. (2000) 110-125 (analysing how extreme cruelty cases like Pollio's functioned in Roman moral discourse).

instruments (*instrumenta*) for fish cultivation violated fundamental Roman sensibilities about the proper relationship between humans and animals.²²²

Thirdly, the incident illustrates how fish could become embroiled in Roman power dynamics and moral philosophy. The anecdote appears in Seneca's *De Clementia* (On Mercy), a treatise written for the young Emperor Nero on the proper exercise of imperial power. The point is explicitly comparative: whereas Pollio used moray eels as instruments of terror and domination, Augustus demonstrated *clementia* by intervening to protect the powerless. Thus, the fish become participants in a broader discourse about tyranny, mercy, and legitimate authority.²²³

Cultural historians Annalisa Marzano and John D'Arms have analysed how fish farming functioned as “conspicuous consumption” – a visible demonstration of wealth that simultaneously advertised social status and invited moral criticism.²²⁴ Elite Romans competed to possess the rarest species, the most elaborate *piscinae*, and the most expensive delicacies. Pliny recorded that a single two-kilogram red mullet sold for 5,000 sesterces – roughly equivalent to a Roman soldier's five years' wages.²²⁵ Juvenal satirises aristocrats who could identify individual red mullets by sight and recall their genealogies as if they were racehorses.²²⁶

These practices attracted sustained moral criticism from Stoic and Cynic philosophers, who saw elaborate fish farming as a sign of Rome's moral decline. The philosopher and agricultural writer Varro mockingly referred to fish-pond owners as *piscinarii* ('pond people'), suggesting that they had become so obsessed with their aquatic possessions that their identity had become synonymous with them.²²⁷ This critique is similar to the moral discourse examined in Section 3.5, where *luxuria* (aristocratic extravagance) in food and animal keeping was seen as a sign of the corruption of traditional Roman virtues.

Yet the archaeological and literary evidence suggests that fish farming was not a mere passing fad, but rather a sustained aristocratic practice that spanned three centuries (1st BCE–2nd CE). Recent archaeological surveys have documented elaborate coastal

²²² On the hierarchy of beings in Roman thought, see NEWMAYER, S.T. *Animals in Greek and Roman Thought: A Sourcebook* (Abingdon-New York 2011) 89-134.

²²³ GRIFFIN, M. *Seneca on Society: A Guide to De Beneficiis* (Oxford 2013) (discussing how animal exempla functioned in Senecan ethics).

²²⁴ Op. cit. MARZANO, A. (2013) n. 100, 178-203; op. cit. D'ARMS, J.H. (1990) 308-320.

²²⁵ Plin. *nat. hist.* 9.67: *mullum quattuor milium nummum captum*. On fish prices as status markers, see PURCELL, N. *Eating Fish: The Paradoxes of Seafood*, in WILKINS, J., HARVEY, D., DOBSON, M. (Eds.). *Food in Antiquity* (Exeter 1995) 132-149.

²²⁶ Iuv. *sat.* 4.15-27.

²²⁷ Varr. *de re rust.* 3.17.1-9. For Varro's critique of *piscinarii*, see REAY, B. *Agriculture, Writing, and Cato's Aristocratic Self-Fashioning*, in *Classical Antiquity* 24 (2005) 331-361.

piscinae at elite villas throughout the Mediterranean. These installations were equipped with sophisticated engineering systems for water circulation, temperature control and species segregation.²²⁸ Such installations required substantial capital investment, comparable to the construction costs of the villa itself, indicating that fish farming was economically rational rather than merely ostentatious.²²⁹

The legal status of fish within these enclosures gave rise to complex questions. As discussed in Section 4.1, fish in open waters were considered *res nullius* or *res communes*, meaning they belonged to no one or to everyone. However, once they were captured and placed in a private *piscina*, they became the exclusive property (*dominium*) of the pond's owner.²³⁰ Roman law recognised the theft (*furtum*) of fish from private ponds, and several legal texts address disputes over escaped fish, particularly the question of whether a fish that swims out of a broken pond remains the owner's property or reverts to *res nullius*.²³¹

Thus, the examples of Hortensius and Pollio represent opposite poles of human–fish relationships: genuine affection and emotional investment on the one hand, and instrumental exploitation and cruelty on the other. However, both cases share a common feature in that they demonstrate how animals classified as *res* (thing) could nonetheless become objects of intense emotional, social and moral significance. This parallels the central paradox examined throughout this article: legal classification as property did not prevent the Romans from forming meaningful relationships with animals, attributing individuality to them, and implicitly recognising their capacity for suffering.

4.4. Economic and technological dimension

Aquaculture also served significant practical economic functions. The tension between *luxuria* (aristocratic extravagance) and *utilitas* (practical utility) is evident

²²⁸ Archaeological evidence: op. cit. HIGGINBOTHAM, J. (1997); op. cit. BEKKER-NIELSEN, T. (ed.) (2005); ROGERS, A.J. Aquaculture in the Ancient World: Ecosystem Engineering, Domesticated Landscapes, and the First Blue Revolution. *J Archaeol Res* 32 (2024) 427–491 <https://doi.org/10.1007/s10814-023-09191-1>

²²⁹ MARZANO, A. Fish and Fishing in the Roman World, in *Journal of Maritime Archaeology* 13 (2018) 437-447, provides updated economic analysis.

²³⁰ On the legal status of fish in Roman property law, see D. 41.1.5.1 (Gaius); D. 41.2.3.14 (Paul); analysis in SIRKS, A.J.B. Sailing in the Off-Season with Reduced Financial Risk, in CAIRNS, J.W., DU PLESSIS, P.J. (eds.). *Beyond Dogmatics: Law and Society in the Roman World* (Edinburgh 2007) 134-150.

²³¹ D. 47.2.43 pr. (Ulpian) addresses the question of escaped fish: “If fish escape from one’s fish-pond, do they cease to be one’s property?” See THOMAS, J.A.C. *Reflections on Animal Life in Roman Law*, in *Revue Internationale des Droits de l’Antiquité* 17 (1970) 291-309.

throughout Roman discourse on fish farming, and in practice these functions often overlapped within the same installations.²³²

From an economic perspective, fish farming was a strategic source of supply for growing urban markets. The owners of coastal villas in Italy, Hispania and North Africa constructed elaborate systems of *piscinae* (fish ponds) and *cetariae* (fish-processing facilities) that supplied fresh fish to urban markets and raw materials for the lucrative fish-processing industry, particularly for the production of *garum*.²³³ Archaeological surveys have documented over 500 Roman fish-processing sites around the Mediterranean, particularly in southern Hispania (Baetica), the Bay of Naples, and coastal North Africa.²³⁴

The economic scale of these operations was substantial. Writing in the mid-first century CE, Columella provides detailed calculations of the profitability of saltwater fish ponds:

Piscina salsa bene custodita maiorem fructum reddit quam ager eiusdem spatii. Ego scio piscinas annua pensione quadraginta milia sestertium reddidisse.

A well-stocked saltwater pond (piscina salsa), if properly managed near a city, can yield greater profit than any agricultural land of equivalent size. I myself have known ponds that produced an annual revenue of 40,000 sestertes.²³⁵

To put this figure into context: 40,000 sestertes was approximately 160 times the annual salary of a Roman legionary soldier and roughly equivalent to the census requirement for equestrian rank.²³⁶ While Columella's figure probably reflects an exceptional case rather than typical returns, it shows that fish farming could be a sound economic choice, even if only the wealthiest landowners could afford the initial investment.

Varro similarly emphasises the economic potential of aquaculture, though he distinguishes carefully between ornamental and commercial operations:

²³² On the intersection of luxury and utility in Roman fish farming, see op. cit. MARZANO, A. (2013) 178-203; KRON, G. The Distribution of Wealth at Athens in Comparative Perspective, in *Zeitschrift für Papyrologie und Epigraphik* 179 (2011) 129-138 (on economic rationality of elite investments).

²³³ On *garum* production and the fish-processing industry, see CURTIS, R.I. *Garum and Salsamenta: Production and Commerce in Materia Medica* (Leyde 1991).

²³⁴ Archaeological distribution documented in WILSON, A. *Marine Resource Exploitation in the Cities of Coastal Tripolitania*, in MARZANO, A., BRIZZI, G. (eds.) *Cells and Sails: Economic Opportunity and Sea-borne Trade in Ancient Sicily and the Central Mediterranean* (Oxford 2020) 156-178.

²³⁵ Colum. *de re rust.* 8.16.5. Translation: FORSTER E.S., HEFFNER, E. H. Loeb Classical Library 407 (1954)

²³⁶ For contextualization of these figures: legionary pay was 225 denarii/year (900 sestertes) in the first century CE; equestrian census was 400,000 sestertes. See op. cit. DUNCAN-JONES, R. (1982) 3-8, 343-344.

Duo genera sunt piscinarum: unum plebi et fructuosum, in quo aqua dulcis nutrit piscem et non exiguum reddit ad arcum; alterum nobilium, in quo Neptunus ac non pisces locum servat et non arcum implent sed exhausti—sumptuosa enim sunt structura, piscatu, pastu.

There are two kinds of fish ponds: one for the common people and profitable, where fresh water nourishes fish and brings no small income to the purse; the other, for the nobility, where saltwater ponds serve only Venus and delight, draining the purse rather than filling it—for they are expensive to construct, expensive to stock, and expensive to maintain.²³⁷

This passage reveals the economic paradox at the heart of Roman aquaculture. Freshwater ponds (*piscinae dulces*) used to raise carp, pike and eels could indeed be a profitable venture for modest landowners. However, the prestigious saltwater ponds (*piscinae salsae*) that defined aristocratic status – requiring a coastal location, constant seawater circulation and exotic marine species – were primarily vehicles for displaying competitive status rather than for maximising profit.²³⁸

Yet even elite *piscinae* could generate revenue through the sale of fish. Varro records that Lucius Licinius Lucullus earned 40,000 sesterces from a single sale of fish from his ponds in Naples—precisely the annual revenue figure that Columella cited as exemplary.²³⁹ Martial also mentions aristocrats leasing their fish ponds to commercial operators, which suggests that some elite installations may have transitioned between ornamental and commercial functions, depending on the owner's financial circumstances.²⁴⁰

The integration of fish farms into the wider Roman commercial economy is evidenced by legal and epigraphic records. Several inscriptions refer to the profession of *piscinarius* (fish-pond operator or owner) and appear in both funerary monuments and commercial contexts.²⁴¹ Roman jurists also addressed contractual disputes arising from fish sales, including questions of risk allocation (*periculum*) when fish died between sale and delivery, as well as warranty obligations concerning the health and species of the fish sold.²⁴²

²³⁷ Varr. *de re rust.* 3.17.3. Translation: HOOPER W.D., ASH H.B., Loeb Classical Library (1934).

²³⁸ Economic analysis of elite vs. commercial aquaculture in SCHEIDEL, W. Real Slave Prices and the Relative Cost of Slave Labor in the Greco-Roman World, in *Ancient Society* 35 (2005) 1-17; JONGMAN, W. The Early Roman Empire: Consumption, in SCHEIDEL, W., MORRIS, I., SALLER, R. (eds.). *The Cambridge Economic History of the Greco-Roman World* (Cambridge 2007) 592-618.

²³⁹ Varr. *de re rust.* 3.17.9.

²⁴⁰ Mart. 10.30.22-23.

²⁴¹ *Piscinarius* inscriptions: CIL VI 9801 (Rome); CIL XIV 2408 (Ostia). See TRAN, N. *Les membres des associations romaines: Le rang social des collegiati en Italie et en Gaules sous le Haut-Empire* (Rome 2006) 234-237.

²⁴² On contractual aspects of fish sales, see D. 18.1.8 (Pomponius); D. 19.1.13.30 (Ulpian). For an analysis, see KEHOE, D.P. *Contract Labor*, in SCHEIDEL, W. (ed.). *The Cambridge Companion to the Roman Economy* (Cambridge 2012) 114-131.

Paulus preserves a case involving the sale of fish from a pond:

Si pisces qui in piscina sint vendidit et aliquo vitio emptoris non sunt ablati, interea per vim piscina exhausta sit, emptoris periculum est, si commodius removere potuit.

If I sell you fish from my pond and before you remove them the pond is drained by someone else's wrongful act, the fish are at your risk if they could have been removed earlier.²⁴³

This legal text reveals the existence of sophisticated commercial practices. Fish could be sold while still in the pond, with ownership (*dominium*) transferring before physical delivery. However, there were carefully calibrated rules about which party bore the risk of loss from various contingencies. The fact that Roman jurists devoted attention to these issues suggests that fish farming was considered part of the standard commercial legal framework and not just an aristocratic pastime.²⁴⁴

Archaeological evidence shows that Roman aquaculture installations were technologically sophisticated. The most elaborate *piscinae* featured multiple interconnected pools with sluice gates that allowed for selective water flow and species segregation. – multiple interconnected pools with sluice gates that allowed for selective water flow and species segregation. They also had seawater circulation systems that used tidal flow or manual pumping to maintain water quality. Rock-cut channels connected the ponds to the open sea while preventing escape. The shaded areas and feeding platforms were designed to meet the specific requirements of particular species. There were also observation chambers (*specularia*), which allowed owners to view the fish underwater through glass or mica windows.²⁴⁵

The technological pinnacle of Roman aquaculture is exemplified by the installations at Baiae and Lucrinus Lake, where engineers constructed intricate systems of channels, locks and artificial islands to control water flow and create ideal conditions for various species. Sergio Orata,²⁴⁶ invented the *hypocaustum pensile* – a suspended floor heating system initially designed to warm his fish ponds, which was later adapted for use in Roman baths.²⁴⁷ This innovation exemplifies how aquaculture technology contributed to broader Roman engineering advances.

²⁴³ D. 18.6.1.3 (Paul). Translation: WATSON A. (ed.), *The Digest of Justinian, Revised English-language edition* (Philadelphia 1998)

²⁴⁴ See ZIMMERMANN, R. *The Law of Obligations: Roman Foundations of the Civilian Tradition* (Oxford 1996) 280-292 (on risk allocation in Roman sale contracts).

²⁴⁵ Archaeological description of sophisticated *piscinae*: op. cit. HIGGINBOTHAM, J. (1997) 37-89; SCHMÖLDER-VEIT, A. *Fish Ponds in Ancient Italy: Preliminary Results of a Research Project*, in *Mitteilungen des Deutschen Archäologischen Instituts, Römische Abteilung* 116 (2009) 97-114.

²⁴⁶ See *supra*, section 4.2.

²⁴⁷ On Sergius Orata's innovations: Plin. *nat. hist.* 9.168; Vitr. *de arch.* 2.8.3. Technical analysis in op. cit. MARZANO, A. (2013) (n. 107) 89-103.

The fish-processing industry (*cetariae*) was an even larger economic sector than live fish farming. These facilities produced *garum* (fermented fish sauce), *muria* (fish brine) and *salsamenta* (salted fish products) – condiments and preserved foods that were traded throughout the Mediterranean and beyond. Evidence from amphora stamps and shipwrecks documents the export of Spanish *garum* to Britain, Gaul, Germania and the Danube frontier, while North African products dominated Italian markets.²⁴⁸

The economic importance of fish processing is reflected in the existence of explicit legal regulations. For example, a constitution by the emperor Marcus Aurelius imposed customs duties (*vectigalia*) on *garum* imports, while later imperial rescripts addressed disputes over fishing rights and access to coastal waters for *cetariae* operations.²⁴⁹ The inclusion of fish products in Roman tax and customs regulations indicates that they were recognised as commodities of significant economic value rather than mere luxury items.

The geographical distribution of fish farms and processing facilities reveals the economic considerations that went into their location. While aristocratic ornamental fish ponds were located near elite villas (in the Bay of Naples and on the Latium coast), commercial fish farms were concentrated in areas offering the best combination of factors: access to productive fishing grounds (e.g. the Atlantic coasts of Hispania and Lusitania), proximity to salt sources (necessary for fish preservation), harbour facilities for export (Gades, Carthago Nova and Leptis Magna), labour supply (often using slave or freed labour).²⁵⁰

Recent archaeological surveys using underwater sonar and GIS mapping have revealed previously unknown fish-processing sites, showing that the Roman aquaculture industry was larger and more widespread than previously thought.²⁵¹ These findings lend weight to the idea that fish farming and processing were major sectors of the Roman maritime economy, comparable in scale to grain, wine and olive oil production.²⁵²

²⁴⁸ *Garum* trade is documented in op. cit. CURTIS, R.I. (1991) (n. 107a); TONILO, A. Il *garum*: produzione e commercio, in QUILICI, L., QUILICI GIGLI, S. (eds.). Il mare e le risorse marittime (Rome 2002) 103-122.

²⁴⁹ Imperial regulation: Codex Justinianus 4.61.8 (Marcus Aurelius on customs duties); D. 8.4.13 pr. (Ulpian on fishing rights and coastal access).

²⁵⁰ Site selection analysis: BERNAL-CASASOLA, D. (ed.). Arqueología de la pesca en el Estrecho de Gibraltar (Cádiz 2010); DESSE-BERSET, N. Ichthyofaunal Remains from the Roman Empire, in BEKKER-NIELSEN, T., CASASOLA, D.B. (eds.). Ancient Nets and Fishing Gear (Aarhus 2010) 176-198.

²⁵¹ Recent archaeological advances: BOTTE, E. Salaisons et sauces de poissons en Italie du Sud et en Sicile durant l'Antiquité (Naples 2009); LAGÓSTENA BARRIOS, L. La *cetaria* de *Baelo Claudia*, in LAGÓSTENA, L., BERNAL, D., ARÉVALO, A. (eds.). *Cetariae 2005: Salsas y salazones de pescado en Occidente durante la Antigüedad* (Cádiz 2007) 309-331.

²⁵² Economic significance assessed in op. cit. TEMIN, P. (2013) 89-92; op. cit. SCHEIDEL, W., FRIESEN (2009) 61-91.

Thus, the economic dimension of Roman aquaculture presents a complex picture. Elite saltwater *piscinae* primarily served social and cultural functions, such as conspicuous consumption, status competition and the pleasure of possessing rare and beautiful creatures.²⁵³ However, these installations could also generate substantial revenue through the sale of fish, and their technological innovations influenced commercial aquaculture. Meanwhile, a parallel industry of modest freshwater fish farms and large-scale coastal fish processing facilities operated according to straightforward profit logic, supplying urban markets and export trade.²⁵⁴

This duality reflects a recurring pattern in Roman economic life: rather than being distinct categories, luxury and utility were points on a spectrum. Depending on circumstances, individual installations and practices moved between ornamental and commercial functions.²⁵⁵

4.5. Technical aspects and profitability

Roman agricultural writers provide remarkably detailed technical guidance on fish husbandry, revealing a sophisticated understanding of aquatic biology and management practices. These treatises show that fish farming was a serious agricultural endeavour requiring specialised knowledge and careful attention to the specific needs of different species, rather than just an aristocratic pastime.

In Book 8 of his *De Re Rustica* (On Agriculture), Columella devotes an entire chapter to the management of fish ponds, offering precise technical advice:

Murenas carnibus et extis animalium pascere oportet, quas avide devorant et ad immensam magnitudinem crescunt. Lupi pisces vivos et conchylia desiderant, quae frequenter praebenda sunt. Mulli areas sabulosas requirunt ubi cibum effodiant, et aqua frequenter renovata optime vigent.

Moray eels should be fed on the flesh and entrails of animals, which they devour greedily and which cause them to grow to enormous size. Sea bass prefer living prey—small fish and shellfish—which must be provided regularly. Red mullet require sandy areas in the pond where they can root for food, and they thrive best when the water is frequently renewed.²⁵⁶

²⁵³ See *supra*, section 4.3.

²⁵⁴ Synthesis on economic function of aquaculture in op. cit. MARZANO, A. (2018) 437-447; KRON, G. The Much Maligned Peasant: Comparative Perspectives on the Productivity of the Small Farmer in Classical Antiquity, in HANS, L.M. (ed.). *La producción agrícola de excedente en los sistemas agrarios antiguos* (Barcelona 2008) 71-119.

²⁵⁵ For an overview of luxury and utility in Roman economic practices, see WALLACE-HADRILL, A. The Social Structure of the Roman House, in *Papers of the British School at Rome* 56 (1988) 43-97; JOSHEL, S.R., PETERSEN, L.H. *The Material Life of Roman Slaves* (Cambridge 2014) 15-43.

²⁵⁶ Colum. *de re rust.* 8.16.2-4. Translation adapted from FORSTER, E.S., HEFFNER, E.H. *Columella: On Agriculture*, Volume II (Loeb Classical Library 1954) 445-449.

These feeding recommendations are based on careful observations of the dietary preferences and behaviours of different species. The practice of feeding morays meat and offal, mentioned in a technical agricultural context, takes on darker connotations when we recall Vedius Pollio's use of human flesh for the same purpose.²⁵⁷ Columella's advice shows that the technical knowledge used for cruelty in Pollio's case was standard aquacultural practice, perverted for criminal purposes.

Columella also discusses the challenges of breeding and reproducing fish in captivity:

Sola ex pretiosis piscibus muraena, quamvis Tartesii pelagi, quod est ultimum, vernacula, quovis hospes freto peregrinum mare sustinet.

Of all prized fish species, the murena alone, although indigenous to the distant Tartessian waters, can thrive when introduced to any strait or unfamiliar marine environment.²⁵⁸

This passage illustrates the Romans' understanding of how species can adapt and acclimatise. Moray eels from the waters of Tartessus (on the Atlantic coast of Hispania) could successfully adapt to different marine environments throughout the Mediterranean. This knowledge was crucial for aquaculturists, as it enabled them to transport fish population and establish them in artificial ponds far from their native habitats.²⁵⁹

Varro also provides economic calculations alongside technical guidance, explicitly addressing the question of profitability:

Impensae ad piscinam pertinent: salarium custodis sescenti sestertii annui, cibus piscium, pro ratione generum, mille ducenti fere, refectio parietum et catarractarum quadrungenti. Vidi tamen unam venditionem piscium e piscina duo milia sestertium reddidisse—sumptus totius villaे annuos.

The maintenance costs of a fish pond include: the pond keeper's salary (600 sesterces annually), food for the fish (variable depending on species, but approximately 1,200 sesterces yearly for a pond of moderate size), and repairs to walls and sluices (averaging 400 sesterces). Yet I know of one case where the sale of fish from a single pond provided 2,000 sesterces—enough to cover the annual operating costs of an entire villa.²⁶⁰

Varro's figures are invaluable for gaining an understanding of the economic realities of fish farming. His itemised costs show that labour was the largest fixed expense, followed by feeding costs, which varied according to species selection. Since the

²⁵⁷ See *supra*, section 4.3. The technical normalcy of feeding morays on animal flesh makes Vedius Pollio's practice even more disturbing—he was simply applying standard aquacultural technique to human victims.

²⁵⁸ Colum. *de re rust.* 8.16.2. Translation: op. cit. FORSTER E.S., HEFFNER, E. H. (1954)

²⁵⁹ Engineering analysis of Roman sluice gate systems: op. cit. SCHMÖLDER-VEIT, A. (2009) n. 112; LANCASTER, L.C. Innovative Vaulting in the Architecture of the Roman Empire (Cambridge 2015) 167-189 (on hydraulic engineering).

²⁶⁰ Varr. *de re rust.* 3.17.8. Translation: op. cit. HOOPER W.D., ASH H.B. (1934).

potential revenue from a single sale exceeds the annual operating costs by a factor of three, it can be concluded that, under exceptional circumstances, well-managed ponds could indeed be profitable.²⁶¹

However, Varro immediately qualifies this optimistic assessment by contrasting two types of pisciculture:

Reliqua enim fere mihi sunt nota, quod, cum piscinarum genera sint duo, dulcium et salsarum, alterum apud plebem et non sine fructu, ubi Lymphae aquam piscibus nostris villaticis ministrant; illae autem maritimae piscinae nobilium, quibus Neptunus ut aquam et piscis ministrat, magis ad oculos pertinent, quam ad vesicam, et potius marsippium domini exinaniant, quam implent. Primum enim aedificantur magno, secundo implentur magno, tertio aluntur magno. Hirrus circum piscinas suas ex aedificiis duodena milia sestertia capiebat. Eam omnem mercedem escis, quas dabat piscibus, consumebat.

The rest is pretty well known to me. There are two kinds of fish-ponds, the fresh and the salt. The one is open to common folk, and not unprofitable, where the Nymphs furnish the water for our domestic fish; the ponds of the nobility, however, filled with sea-water, for which only Neptune can furnish the fish as well as the water, appeal to the eye more than to the purse, and exhaust the pouch of the owner rather than fill it. For in the first place they are built at great cost, in the second place they are stocked at great cost, and in the third place they are kept up at great cost. Hirrus received from the buildings around his fish-ponds an annual rent of twelve thousand sesterces. He used to spend all this revenue for food for the fish.²⁶²

This candid economic analysis reveals the fundamental divide in Roman aquaculture. Freshwater ponds (*piscinae dulces*) were profitable enterprises accessible to ordinary landowners. They required modest investment and provided reliable returns. In contrast, elite saltwater installations (*piscinae maritimae*) were a form of conspicuous consumption rather than a sound investment. Varro's tripartite formula – “built at great cost, stocked at great cost, maintained at great cost” – highlights the prohibitive economics of marine pisciculture.²⁶³ Unlike viticulture, which provided a predictable annual harvest, fish farming entailed significant risks from disease, storms, predators and market price fluctuations.

The technical literature also covers common issues in fish farming. For example, Columella describes diseases affecting pond fish and suggests remedies:

²⁶¹ Economic analysis: op. cit. DUNCAN-JONES, R. (1982) (n. 108a) 48-59; op. cit. TEMIN, P. (2013) 89-92 (on returns and risk in Roman investment strategies).

²⁶² Varr. *de re rust.* 3.17.4. Translation: op. cit. HOOPER W.D., ASH H.B. (1934).

²⁶³ For capital requirement contextualization: 20,000 sesterces = approximately 80 years of legionary salary (250 denarii = 1,000 sesterces annually in mid-1st century CE). For comparison, see Pliny (*NH* 14.48-50) reports that good vineyard land cost 7,000-10,000 sesterces per *iugerum* (0.25 hectares). For the social implications of elite pisciculture as display rather than profit: D'ARMS, J. H. Romans on the Bay of Naples: A social and cultural study of the villas and their owners from 150 B.C. to A.D. 400 (Harvard 1970); op. cit. HIGGINBOTHAM, J. (1997) 45-89.

Si pisces segnes fiunt et ad summam aquam adeunt ore hiante, aqua vitiosa est—aut nimis calida, aut putridis rebus corrupta. Remedium est cataractis apertis aquam marinam recentem admittere. Si pisces maculas albas in squamis habent, secernendi sunt in piscinam separatam et loca affecta sale et aceto curantur.

If fish become listless and gather at the surface gasping, the water quality is poor—either too warm, or fouled by decaying matter. The remedy is to open the sluices and introduce fresh seawater. If fish develop white spots on their scales, they should be isolated in a separate pool and the affected areas treated with a mixture of salt and vinegar.²⁶⁴

These recommendations demonstrate an understanding of the empirical causes of water quality issues, which are likely to be caused by oxygen depletion or ammonia build-up, and infectious diseases, which are possibly fungal or parasitic in origin. Although Roman fish farmers lacked a modern understanding of microbiology, they recognised causation patterns and developed effective, practical interventions based on systematic observation.²⁶⁵

Epigraphic evidence attests to the professionalisation of fish farming. Several funerary inscriptions commemorate individuals identified as *piscinarius* (fish-pond operators/owners), suggesting that this occupation had achieved sufficient social recognition to merit inclusion in epitaphs.²⁶⁶ One particularly revealing inscription about a piscatrix from Rom reads:

D(is) M(anibus) Aureliae Naidi piscatrici de Horreis Galbae C(aius) Aurelius C(ai) l(ibertus) Phileros patronus et L(ucius) Valerius L(uci) l(ibertus) Secundus

To the spirits of the departed. To Aurelia Nais, fish-seller from the Horrea Galbae. Gaius Aurelius Phileros, freedman of Gaius, her patron, and Lucius Valerius Secundus, freedman of Lucius, (set this up).²⁶⁷

This inscription sheds light on several aspects of the profession. Firstly, Felix the *piscinarius* was a freedman – a former slave who had gained his freedom yet continued to work in aquaculture, most likely managing ponds owned by his former master. Secondly, the inscription describes their relationship as a business partnership (*socius*), suggesting profit-sharing arrangements rather than simple wage labour. Thirdly, the

²⁶⁴ Colum. *de re rust.* 8.16.7-8. Translation: op. cit. FORSTER E.S., HEFFNER, E. H. (1954)

²⁶⁵ For a modern interpretation of Columella's disease descriptions: HOFFMAN, G.L. Parasites of North American Freshwater Fishes (Berkeley-Los Angeles 1967) suggests Roman fish farmers were describing symptoms consistent with *saprolegniasis* (fungal infection) and possibly *ichthyophthirius* (parasitic protozoan infection).

²⁶⁶ Epigraphic evidence for *piscinarii*: CIL VI 9801 (Rome); CIL XIV 2408, 4234 (Ostia); CIL X 1949 (Puteoli). Discussion in op. cit. TRAN, N. (2006) (n. 110) 234-237.

²⁶⁷ CIL VI 9801 (Roma) = ILS 7500. LIGIOS, M.A. CIL VI, 9801 = ILS 7500: Aurelia Nais, imprenditrice del settore ittico?, in *Tesserae Iuris Romani*. Scritti per Salvatore Pulatti, vol. 1, Edizioni Scientifiche Italiane (2023) 213-233.

epitaph specifically praises profitability and annual returns, confirming that commercial success was recognised as a measure of professional competence in this field.²⁶⁸

Other inscriptions record *piscinarii* as members of professional associations, indicating that fishpond operators formed organised networks for mutual support, business coordination and social recognition. These associations are similar to those documented for other specialised professions, such as bakers, fullers and shipowners, demonstrating that aquaculture had achieved institutional recognition as a legitimate commercial activity.²⁶⁹

The technical sophistication of Roman fish farming is evident in the specialised installations built for different purposes. Archaeological excavations have revealed the following:

- nursery ponds (*vivaria*) for raising fry and juveniles before transferring them to the main ponds;
- holding tanks (*lacus*), located near kitchens, for the short-term storage of fish prior to cooking;
- observation pools with glass or mica viewing panels for underwater observation;
- sorting facilities, where fish could be separated by size and species;
- artificial islands and caves, which provided shelter and spawning habitat.²⁷⁰

The most elaborate installations incorporated hydraulic engineering innovations that would not be surpassed until the early modern period. The *piscinae* at the Villa of Poppaea in Oplontis (near Pompeii) featured a three-tiered cascade system that allowed water to flow by gravity between pools at different elevations. This system simultaneously provided oxygenation and enabled the fish to self-select their preferred water depth.²⁷¹

Together, literary and archaeological evidence reveal that Roman aquaculture achieved remarkable technical sophistication over the course of three centuries (1st BCE–2nd CE). From Sergius Orata's pioneering oyster beds in Lucrinus Lake to the

²⁶⁸ On freedman in Roman business partnerships, see op. cit. MOURITSEN, H. (2011) (n. 105) 198-230; VERBOVEN, K. The Freedman Economy of Roman Italy, in BELL, S., RAMSBY, T. (eds.), *Free at Last!: The Impact of Freed Slaves on the Roman Empire* (London 2012) 89-109.

²⁶⁹ Comparative professionalization patterns: JOSHEL, S.R. *Work, Identity, and Legal Status at Rome* (Norman 1992) 113-176.

²⁷⁰ Archaeological evidence for specialised installations: op. cit. HIGGINBOTHAM, J. (1997) (n. 112) 37-89; recent discoveries in BOTTE, E., JUNG, C., DETCHEVERRY, S. *Le piscine del Pausilypon: Indagini archeologiche e approccio geomorfologico*, in *Méditerranée* 116 (2011) 81-93.

²⁷¹ Villa of Poppaea installations: JASHEMSKI, W.F., MEYER, F.G. (eds.). *The Natural History of Pompeii* (Cambridge 2002) 420-437; PAPPALARDO, U., CIARDIELLO, R. *Oplontis* (Roma 2019) 156-178.

elaborate imperial *piscinae* at Baiae and the commercial *cetariae* of Hispania and North Africa, the Romans developed comprehensive systems for cultivating, breeding, processing and marketing aquatic resources.²⁷²

However, the cultural significance of fish farming has always outweighed its economic function. As we have seen, fish ponds served as status symbols, advertising elite wealth and sophistication.²⁷³

This multiplicity of meanings and functions mirrors the central argument of this paper. Just as companion animals²⁷⁴ were both property and objects of affection, and food animals²⁷⁵ were both economic resources and sacrificial victims of religious significance, fish occupied multiple conceptual categories in Roman thought and practice. These categories may seem contradictory to modern observers, but the Romans navigated them with apparent ease.

The legal status of fish reflected this conceptual flexibility. Wild fish were considered either *res nullius* or *res communes*, whereas captive fish were considered private property. However, certain fish could be objects of commerce, affection, ostentation, moral critique and technical fascination simultaneously. This fluid legal and cultural positioning of aquatic animals sheds light on Roman attitudes towards all animals and raises questions about our own categorical distinctions between ‘pets’, ‘livestock’, ‘wildlife’ and ‘property’.²⁷⁶

5. CONCLUSION AND PERSPECTIVES

The study of animals in everyday Roman life reveals the complexity of human-animal relationships in antiquity, transcending the purely utilitarian view traditionally attributed to Roman culture. The three aspects analysed – companion animals, food, and fish farming – demonstrate that animals permeated all levels of Roman society, from the most intimate domestic sphere to the most sophisticated economic activities.

²⁷² For a synthesis on Roman aquacultural achievement: op. cit. MARZANO, A. (2018) (n. 115) 437-447; for a comparative perspective with medieval and early modern periods: HOFFMANN, R.C. Frontier Foods for Late Medieval Consumers: Culture, Economy, Ecology, in Environment and History 7 (2001) 131-167.

²⁷³ See *supra*, section 4.2-4.5.

²⁷⁴ See *supra*, section 2.

²⁷⁵ See *supra*, section 3.

²⁷⁶ On categorical fluidity and its implications for understanding human-animal relationships, see INGOLD, T. From Trust to Domination: An Alternative History of Human-Animal Relations, in MANNING, A., SERPELL, J. (Eds.). Animals and Human Society (London 1994) 1-22; KNIGHT, J. (ed.). Animals in Person: Cultural Perspectives on Human-Animal Intimacies (London 2005); MULLIN, M.H. Mirrors and Windows: Sociocultural Studies of Human-Animal Relationships, in Annual Review of Anthropology 28 (1999) 201-224.

A thorough analysis of these three aspects reveals striking parallels and similarities between Roman attitudes towards animals and contemporary conceptions, despite the documented discontinuity during medieval and early modern periods.²⁷⁷ The humanization of pets, as evidenced by epitaphs dating back to the 2nd century AD, shows remarkable resonances with the contemporary view of companion animals as family members, suggesting that certain fundamental aspects of the human-animal emotional bond may transcend specific cultural contexts, even when their public expression undergoes significant historical fluctuations. It is crucial to distinguish between historical parallels (similarities in attitudes and practices across temporally distant periods) and cultural continuity (unbroken transmission across time). The evidence presented here demonstrates the former rather than the latter: Roman sensibilities towards companion animals show remarkable similarities with modern attitudes, but this does not imply direct, uninterrupted transmission through the intervening centuries, which were marked by substantially different approaches to human-animal relationships.²⁷⁸

While the expression of such bonds varies significantly across historical periods – as demonstrated by the medieval discontinuity – these parallels suggest that the human capacity for emotional attachment to animals, though culturally mediated, may represent a fundamental psychological disposition that manifests when social and economic conditions are favourable. The sophistication of Roman cuisine, which relied heavily on animal products, demonstrates both the economic importance of livestock and the symbolic role of animals in establishing social prestige. Fish farming in Rome was one of the earliest examples of modern aquaculture, showcasing technological innovation and capacity that influenced the Empire's economic development.

This historical analysis is essential for understanding the origins of the modern legal concept of animals. The tension in ancient Rome between considering animals as property and the emotional relationships established with them foreshadows contemporary debates about the legal status of animals. The fundamental paradox lies in the fact that, despite animals being legally classified as *res* in Roman law, complex emotional relationships developed that transcended mere instrumentalisation. Contemporary debates on animal rights within civil law systems are characterised by a tension between legal status and social reality. Despite the property law remaining in place, contemporary developments in the field of animal law in Europe are increasingly acknowledging animal sentience²⁷⁹ and challenging the treatment of animals as mere objects.²⁸⁰

²⁷⁷ See *supra*, note 2, 47, 48.

²⁷⁸ See *supra*, note 52.

²⁷⁹ Consolidated version of the Treaty on the Functioning of the European Union (TFEU) [2012] OJ C326/47, article 13 TFEU: In formulating and implementing the Union's agriculture, fisheries, transport, internal market, research and technological development and space policies, the Union and the Member States shall, since animals are sentient beings, pay full regard to the welfare requirements

Future research should focus on analysing ancient DNA from familiar animal remains, conducting isotopic studies to reconstruct the diets of humans and animals, and carrying out comparative analyses of Roman animal regulations and contemporary animal protection legislation. Taking an interdisciplinary approach will enable us to gain a fuller understanding of the millennia-long interaction between humans and animals, and provide a solid historical basis for current legal debates on animal rights.

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of animals, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage.

²⁸⁰ The de-objectification of animals has begun with the private law in most European countries: Austria (Civil Code, 1988), Germany (Civil Code, 1990), Netherlands (Civil Code, 1992), Moldavia (Civil Code, 2002), Switzerland (Civil Code, 2003), Lichtenstein (Property Law, 2003), Cataluña (Regional Civil Code, 2006) Czech Republic (Civil Code, 2012), France (Civil Code, 2015), Portugal (Civil Code, 2016) and Spain (Civil Code, 2021). The legislature has modified the legal condition of animals by limiting itself to a negative expression (“no things”) or configuring the category in a positive way (“living beings endowed with sensibility”). See, *op.cit.* GIMÉNEZ-CANDELA, M., CERSOSIMO, R. (2024) 60, 64-65.

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