

forty-seven up to 218 B.C. (including the *priscae coloniae Latinae*) give us a total of fifty-three or fifty-four. Fifty-three of course is the transmitted reading of Asconius, and fifty-four a possible emendation (see apparatus). It seems that starting from the regal period Asconius or his source simply made a chronological list of places which were reported as having received colonists from Rome.¹¹ Refoundations were evidently excluded, and Placentia came out as fifty-third or fifty-fourth on that list.¹² But how the sources used by Asconius came to include or exclude places as colonies remains as obscure as ever.

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Livy 1.11.4; Plut. *Rom.* 17.1); Crustumerium (Dion. Hal. 2.36.1; 3.49.4–6: recolonized; 6.34.4: has *φρουροί* in 494; Livy 1.11.4; Plut. *Rom.* 17.1); Medullia (Dion. Hal. 2.36.2; 3.1.2; 3.34.5; 3.38.1–4; Steph. Byz. s.v. *Μεδυλλία*: ‘*Ρωμαίων ἀποικία* (following Dion. Hal.); Livy 1.33.4: *praesidium*); Cameria (Dion. Hal. 2.50.4–5; cf. 54.1–2: *φρουρά* added; Plut. *Rom.* 24.3); Nomentum (Dion. Hal. 3.50.1: sharing in the same fate as Crustumerium, which received colonists for the second time). Collatia receives a garrison (Dion. Hal. 3.50.3: *φρουρά* installed: no seizure of land, but disarmament and a monetary fine as with the cities which explicitly receive colonists; Livy 1.38.1: *praesidium*). Antemnae, Crustumerium, and Medullia are all referred to as colonies again at Dion. Hal. 6.55.2. There are colonies to Fidenae (Dion. Hal. 2.53.4: *φυλακή* of 300; 3.40.3: *φρουρά* added; 3.58.3: *ἐπικοί τε καὶ φρουροί* added; 6.55.2; Livy 1.27.3; Plut. *Rom.* 17.1, 23.6), Signia and Circeii (Dion. Hal. 4.63.1; Livy 1.56.3), but these are already included in Salmon’s list. Livy reports the capture of Apiolae, Corniculum, Ficulea Vetus, Cameria, Crustumerium, Ameriola, Medullia, and Nomentum, but none receives colonists (1.35.7; 38.4; cf. Dion. Hal. 3.49.1–3 and Valerius Antias fr.11P for Apiolae; Dion. Hal. 3.50.4–6 for Corniculum). Ostia (see above n. 8) is included by Salmon as a Roman colony c. 338 B.C.

¹¹ It seems unlikely that Asconius consulted Dionysius, whose information must have existed already in Roman sources. The details of later colonies were certainly presented in several sources: Asconius’ list of the founding board differs from Livy’s at 21.25.3–5, which itself has variant names. Note also that Plutarch may have had a different source from Dionysius, since the latter has no foundation dates (see n.9).

¹² The claim of Philip V of Macedon that Rome had sent out seventy colonies by 214 (*SIG* 543) seems less fanciful if we consider in addition the refoundations/reinforcements mentioned above (n. 6) and others which may have occurred in the period 292–219, for which we do not have Livy.

PROVINCIAL *DEDITICII* IN THE EPIGRAPHIC *LEX AGRARIA* OF 111 B.C.?

In 1992 and 1996 Lintott and Crawford published two re-editions of the important but fragmentary epigraphic *Lex agraria* of 111 B.C.¹ As a result of their efforts new light has been shed not only on the arrangement of the law’s twelve surviving fragments and the shape of the bronze plate on which it was engraved but also on the meaning of many formerly obscure passages. Despite this, at least some parts of the

¹ A. Lintott, *Judicial Reform and Land Reform in the Roman Republic. A New Edition, with Translation and Commentary, of the Laws from Urbino* (Cambridge, 1992); M. Crawford, ‘*Lex agraria*’, in id. (ed.), *Roman Statutes* (London, 1996), 113–80.

law remain as enigmatic as ever. In fact, even some basic questions concerning the statute's internal structure remain controversial.

One of these questions concerns the dividing line between the African part and the Greek part of the epigraphic law. In their commentaries both Lintott and Crawford assign line 90 to Africa. In their view, which I share, this line deals with rewards offered to informers who expose the fraudulent behaviour of those who declare formerly public land in Africa in the wrong category, for instance by declaring land purchased from colonists to be land obtained directly from the *triumviri* responsible for the foundation of Iunonia/Carthage.² It is, however, not immediately clear whether lines 91–2 also refer to Africa. In Crawford's edition this passage runs as follows:

line 91: [...quibus] factum est, uti bona, quae habuissent, agrumque, quei eis publice adsignatus esset, haberent [possiderent, uterentur fruerentur, eis...quantus] modus agri de eo agro, quei eis publice [datus adsign]atus fuit, publice venieit, tantundem modum

line 92: [agri de eo agro, quei...facito uti det adsignet...quei agrum possessionemve agrive superficium habet possidetve utiturve] fruiturve, quem agrum possessionemve quouisve agri possessionisve superficium q(uaestor) pr(aetor)ve pu[blice vendiderit...o]b eum agrum locum possessione[m agrive superficij]um scrip<t>uram pecoris nei dato neve...]

In his 1992 commentary Lintott argues against Mommsen's theory that the first provision contained in this passage concerns land given in exchange to people who had been deprived of African land rented from the censors because this land had subsequently been sold off by a Roman magistrate.³ In his view, the language used in line 91 must refer to some other category of possessors whose land had been auctioned off by a Roman magistrate despite the fact that their rights to it had been confirmed on an earlier occasion.⁴ After noting that the language used would suit the free peoples (*populi liberi*) and tax-paying communities (*stipendiarii*) referred to in the African part of the law, he points out that there seems to be no need for a further chapter about these categories of people. Lintott also makes the important observation that the immediate context suggests that we are no longer in the section dealing with Africa. He points out that line 93, which refers to land being assigned *ex senatus consulto*, is not easily squared with the fact that the African provisions refer only to assignments carried out *ex lege Rubria* and *ex lege Livia*.⁵ He also regards it as significant that line 92 has the word *superficium*, a term not found anywhere in the Italian and African parts of the law. On the basis of these arguments he concludes that the Greek part of the law must have started in line 91, ending with the suggestion that lines 91–2 may have referred to Roman allies who were publicly assigned land in Greece in or after 146 B.C.⁶

² Lex agr. 90: [...Ilvir, quei ex h(ac) l(ege) factus creatusve erit, sei apud eum is, quoi ager in Africa adsignatus est, a]grum in eo numero agri professus erit, quo in numero eum agrum, quem is, quoi adsigna[tus est, professus erit, profiteri non oportuerit, eum agrum ei nei dato] neve reddito neve adiudicato. Quei eam rem [ita] indicio fuerit, ei eius agri, quod is indi<c>io eius [rei fuerit, ...]. The supplements are those of Crawford, op. cit.

³ T. Mommsen, 'Lex agraria', in id., *Gesammelte Schriften, I. Abt.: Juristische Schriften*, vol. 1 (Berlin, 1905), 65–145, at 134, followed by K. Johannsen, *Die lex agraria des Jahres 111 v. Chr.* (Munich, 1971), 395.

⁴ Lintott (n. 1), 277.

⁵ Lex agr. 93: [quoi is ager <e>x s(enatus) c(onsulto) datus ads[i]gnatus est, ei agrei quei s(upra) s(criptei) s(unt) possessionesque, ea omnia eorum h[ominum] sunt...].

⁶ Lintott (n. 1), 278.

In the first volume of *Roman Statutes* Crawford expresses serious reservations concerning Lintott's reinterpretation. In his view, there are no positive indications which support the theory that the immediate context deals with land in Greece. For this reason he is inclined to interpret line 91 as dealing with informers who had received cash and land in Africa the latter of which later turned out to have been leased out over their heads. In line with this alternative interpretation he also suggests that the second half of line 92 may have prescribed that men who had leased land in Africa did not have to pay pasture tax (*scriptura*) in addition to the rent owed on the basis of their lease contracts.⁷

Although the interpretational difficulties posed by lines 91–2 of the epigraphic law may seem insoluble, it is my contention that at least some further progress can be achieved by taking a closer look at the enigmatic phrase *utei bona, quae habuisent, agrumque, quei eis publice adsignatus esset, haberent*.

I should like to begin by pointing out that the language used in line 91 strongly recalls some of the phrases used by Diodorus in his account of the surrender of Athens after the Lamian War. According to Diodorus, the Athenians were told that the war against them would not be ended before 'they surrendered everything in their power' (τὰ καθ' ἑαυτοὺς ἐπιτρέψωσιν) after which Antipater was given 'complete authority over the city' (τὴν ἐξουσίαν πᾶσαν...περὶ τῆς πόλεως). Following this, Antipater 'permitted [the Athenians] to retain their city and their possessions and everything else' (συνεχώρησεν ἔχειν τήν τε πόλιν καὶ τὰς κτήσεις καὶ ἄλλα πάντα).⁸ As Bickermann explained in his *Institutions des Séleucides*, this episode exemplifies the so-called 'surrender and grant' model used by Hellenistic kings to deal with conquered cities. The basic idea behind this model was that the conquest of a city entailed the momentary loss of its political existence, which could then be recreated by a unilateral pronouncement of the king.⁹ As the example of Athens shows, the act of surrender also implied the temporary extinction of all property rights. In theory, the recreation of these rights, too, was dependent on the conqueror's goodwill.¹⁰

The Roman equivalent of this type of surrender was the *deditio* or *deditio in fidem*.¹¹ The legal formalities by means of which a *deditio* was carried out are described by Livy in the legendary tale of the conquest of Collatia by Tarquinius Priscus. According to this story the Collatini surrendered themselves by giving an affirmative answer to the following question: '*deditisne vos populumque Conlatinum, urbem, agros, aquam, terminos, delubra, utensilia, divina humanaque omnia in meam populiue Romani dicionem?*', 'Do you surrender yourselves and the people of

⁷ Crawford (n. 1), 179.

⁸ Diod. 18.18.3–4 (= H. Bengtson, *Die Staatsverträge des Altertums*, Munich, 1962–, no. 415).

⁹ E. Bickermann, *Institutions des Séleucides* (Paris, 1938), 133–41. Cf. also id., 'Bellum Antiochicum', *Hermes* 67 (1932), 47–76, at 56–61.

¹⁰ J. Ma, *Antiochos III and the Cities of Western Asia Minor* (Oxford, 2000), 112.

¹¹ For the equivalence of the Roman *deditio in fidem* and the Hellenistic *epitropê* see Polyb. 20.9.12. For a full discussion of the concept of *deditio* and of its practical significance see W. Dahlheim, *Deditio und societas. Untersuchungen zur Entwicklung der römischen Aussenpolitik in der Blütezeit der Republik* (Munich, 1965). Cf. also T. Mommsen, *Römisches Staatsrecht*, vol. III (Leipzig, 1887), 55–6 and 687, n. 4; M. Kaser, 'Die Typen der römischen Bodenrechte in der späteren Republik', *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, rom. Abt.* 62 (1942), 57–9, and D. Nörr, *Aspekte des römischen Völkerrechts. Die Bronzetafel von Alcántara*, Bayerische Akademie der Wissenschaften, philosophisch-historische Klasse, Abhandlungen, n.f. 101 (Munich, 1989), 16–18.

Collatia, city, lands, water, boundary marks, shrines, utensils, all appurtenances, divine and human, into my power and that of the Roman people?'¹²

The same kind of terminology is found in Livy's account of the *deditio in fidem* by means of which the Capuans obtained Roman protection in 343 B.C. According to Livy, the Capuan ambassadors declared themselves prepared to surrender 'the people of Capua, the city of Capua, its lands, the shrines of the gods and all appurtenances, divine and human'.¹³ Similarly, when Capua surrendered to the Romans in 211 B.C., its *deditio* gave the Roman people unlimited power over 'all the people of Capua...and the persons who they surrendered along with themselves, and the property they surrendered along with themselves, land and city, objects divine and secular, utensils, and whatever else they surrendered'.¹⁴ In this case, most property rights were lost permanently, although the senate recreated some of them by 'giving back' (*restituit*) the property formerly owned by two Campanian women and by restoring certain categories of property, such as farm animals and most other movable property, to their former owners.¹⁵

From a variety of literary and epigraphic sources it appears that the same method was used to deal with non-Italian communities which had either been taken by force or had surrendered themselves. For instance, after the Romans had re-imposed control over Sicily in 211 B.C. 'the senate and people of Rome gave back to the people of Thermae their town, their territory and their laws'.¹⁶ Further references to the practice of temporarily extinguishing the rights of defeated communities are found in Livy's descriptions of the Roman campaigns that were fought in Spain and Greece during and after the Second Punic War. In his account of the Spanish campaign of 206 B.C. Livy explains that in dealing with the rebellious Spanish chieftain Mandonius Scipio showed himself exceptionally lenient by not applying the standard Roman policy of not regarding any foreign community with which no treaty had been concluded as pacified 'before they had first surrendered all their possessions, religious and secular, given hostages, been disarmed, and had garrisons established in their cities'.¹⁷ In 179 B.C. precisely this method was used to deal with the Celtiberians who 'committed themselves and all their possessions to Roman control' after the successful campaign of Tiberius Sempronius Gracchus.¹⁸

Interestingly, the recreation of the political and juridical existence of a newly conquered community is also referred to in the famous decree concerning the Spanish *servi Hastensium*, which was issued by the Roman proconsul Aemilius Paullus in 189 B.C., and in the *Tabula Alcantarensis*. The first of these documents runs as follows: 'Lucius Aemilius, the son of Lucius, imperator, decreed that those who live in the Turris Lascutana as serfs (*servei*) of the Hastenses, should be free, and he ordered that they should possess and hold the land and the town which they possessed at that time

¹² Livy 1.38.

¹³ Livy 7.31.4: *populum Campanum urbemque Capuam, agros, delubra deum, divina humanaque omnia in vestram...populique Romani dicionem dedimus.*

¹⁴ Livy 26.33: *Omnes Campani...quosque una secum dedidere, quaeque una secum dedidere, agrum urbemque, divina humanaque, utensiliaque sive quid aliud dederunt.*

¹⁵ Livy 26.34.5: *pecua captiva praeter equos et mancipia praeter puberes virilis sexus et omnia quae solo non continebantur restituenda censuerunt dominis.*

¹⁶ Cic. Verr. 2.2.37: *senatus et populus Romanus Thermitanis...urbem agros legesque suas reddidisset.*

¹⁷ Livy 28.34.7: *mos vetustus erat Romanis, cum quo nec foedere nec aequis legibus iungeretur amicitia, non prius imperio in eum tamquam pacatum uti quam omnia divina humanaque dedidisset.*

¹⁸ Livy 40.49.4: *in dicionem se suaque omnia Romanis permiserunt.*

in the same manner as before (*item possidere habereque*), providing that it would please the people and senate of Rome. Done in camp on the 19th of January'.¹⁹ Similarly, it appears from the *Tabula Alcantarensis* that the Roman commander L. Caesius, after accepting the surrender (*deditio*) of a Celtiberian community in the western part of Spain in 104 B.C., 'handed back to them such lands and buildings, laws and all the other things which were theirs on the day before they surrendered, which were in existence at that date, providing that it would please the people and the senate of Rome'.²⁰

Turning to the Greek world, we encounter the somewhat anomalous case of the Aetolians, who entrusted 'themselves and all that they had' to the good faith of the Roman people after the capture of Heraclea, but nevertheless protested when Acilius Glabrio demanded the surrender of some prominent politicians who had stirred up the war against Rome.²¹ In the end the Aetolians managed to obtain a negotiated peace treaty in which they agreed to pay 500 Euboean talents.²² We also learn from Livy that the Phocaeans, who had surrendered themselves to L. Aemilius Regillus in 190 B.C., 'were given back the lands they had possessed before the war and were allowed to enjoy their ancient laws'.²³

In my view, these examples leave no doubt that the phrase *utei bona, quae habuissent, agrumque, quae eis publice adsignatus esset, haberent* in line 91 of the epigraphic *Lex agraria* is to be interpreted as referring to a *senatus consultum* recreating the property rights of communities that had surrendered themselves to Rome. We should therefore read [*de quibus senatus consultum*] *factum est, utei bona, quae habuissent, agrumque, quae eis publice adsignatus esset, haberent*, a possibility already considered by Lintott.²⁴ In line with this the provision in line 93, which confirms the property rights of people who had received land *ex senatus consulto*, should be interpreted as regulating the rights of communities of *dediticii*.

This leaves us with the question of whether the geographical area or areas affected by these *senatus consulta* can be identified. As noted by Lintott, lines 91–3 contain various expressions not found elsewhere in the law, while it also seems significant that the reference to land being assigned *ex senatus consulto* in line 93 is without parallel in

¹⁹ FIRA I, no. 51 (= ILLRP 514): *Aimilius L. f. inpeirator decrevit, utei qui Hastensium servei in turri Lascutana habitarent, leiberei essent; agrumque oppidumqu(e), quod ea tempestate posedissent, item possidere habereque iousit, dum populus senatusque Romanus vellet. Act(um) in castreis a.d. XII k. Febr.* Cf. e.g. Mommsen (n. 11), xvii, n. 1; J.S. Richardson, *Hispaniae. Spain and the Development of Roman Imperialism, 218–82 BC* (Cambridge, 1986), 118, and id., *The Romans in Spain* (Oxford, 1996), 75–6. For the meaning of the *dum vellet* clause see C. Ebel, 'Dum populus senatusque Romanus vellet', *Historia* 40 (1991), 439–48; A. Zack, *Studien zum "Römischen Völkerrecht". Kriegserklärung, Kriegsbeschluss, Beeidung und Ratifikation zwischenstaatlicher Verträge, internationale Freundschaft und Feindschaft während der römischen Republik bis zum Beginn des Prinzipats* (Göttingen, 2001) 191, n. 862 and 194, n. 873, and especially Nörr (n. 11), 56–60.

²⁰ *Tab. Alc.* lines 8–11: *agros et aedificia leges cete[ra omnia] l quae sua fuissent pridie quam se dedid[erunt] quae tum] l extarent eis redidit dum populus [senatusque] l Roomanus vellet.* The tablet was first published by R. López Melero, J. Sánchez Abal and S. García Jiménez, 'El bronce de Alcantara: una deditio del 104 a.C.', *Gerion* 2 (1984), 265–323 (= *AE* 1984, 495). My translation is based on the re-edition of Richardson, *Hispaniae* (n. 19), 199–200 (= *AE* 1986, 304). For a slightly different version see Nörr (n. 11), 23.

²¹ Livy 36.28: *diceret Aetolos se suaque omnia fidei populi Romani permittere.*

²² Livy 38.9 and 38.11.

²³ Livy 38.39.12: *Phocaeensibus et ager, quem ante bellum habuerant, redditus et ut legibus antiquis semper uterentur permissum.*

²⁴ Lintott (n. 1), 277.

the African part of the statute. If my interpretation of line 91 is correct, it is also difficult to see why the law should have contained a separate provision concerning African *dediticii*, since these should have been comprised among the tax-paying communities (*stipendiarii*) referred to in lines 78 and 80. It would seem to follow that lines 91–3 cannot refer to Africa.

On the other hand, there are also some reasons for thinking that these lines do not deal with Greece. One of these reasons has to do with the structure of the African part of the law, which begins by regulating the rights of the colonists of Iunonia/Carthage and of those who have bought African land from the state.²⁵ Only at a later point does the law prescribe that certain categories of people are to be compensated for any African land that they have lost or are about to lose because it has been or will be sold by the state.²⁶ Viewed in this light, it would be strange for the Greek part of the law to have started with a provision concerning compensation. Another indication is that line 95 contains a regulation concerning various crops, such as wine and olive oil, harvested from non-Italian land.²⁷ This is not the kind of provision one would expect to find at the beginning of a section dealing with a new region.²⁸ Finally, it appears from *venieit* in line 91 that we are dealing with an area where sales of formerly public land have already taken place. While the African part of the law refers repeatedly to people who have bought land from the state before 111 B.C., the Greek section refers only to sales that *will* take place in the immediate future.²⁹

At this point I should like to refer back to my brief discussion of the Roman habit of imposing Roman rule by temporarily obliterating the juridical existence of defeated communities, whose rights were then recreated by means of a *senatus consultum*. As we have seen, this method was used not only in Greece and Asia Minor but also in Sicily and Spain. This means that the inference that lines 91–3 deal neither with Africa nor with Greece is entirely unproblematic. In other words, instead of trying to assign these lines either to the African or to the Greek part of the law, we should interpret them as containing a series of provisions regulating the rights of recently conquered communities in other parts of the Mediterranean world. Since the surviving fragments of the *Lex agraria* strongly suggest that it dealt with specific problems concerning public and formerly public land in specific provinces, it may be conjectured that line 91 started with a list of regions in which the Roman state had acquired public land, most of it for a brief period, by means of *deditiones in fidem*. Although lines 91–3 do not contain any clue as to the identity of these regions, it follows from the foregoing discussion that Sicily, Spain and Gaul are plausible candidates.³⁰

²⁵ *Lex agr.* 43–9, on which see L. de Ligt, 'Studies in legal and agrarian history IV: Roman Africa in 111 BC', *Mnemosyne* 54 (2001), 182–217.

²⁶ E.g. *Lex agr.* 65–6 and 75–8.

²⁷ *Lex agr.* 95: [*q*]uodque in eo agro loco vinei oleive fiet, quae messis vindemiaque P. Cornelio L. C[alpurnio co(n)s(ulibus) posteave fiet...].

²⁸ Since the phrase *datus redditus commutatus adsignatus[ve est]* in line 94 seems to refer back, *inter alia*, to the African section, we may be dealing with a concluding provision concerning rights to crops harvested from formerly public land in the western provinces in or after 111 B.C.

²⁹ For sales of African land before 111 B.C. see *Lex agr.* 45: *emptum est*, line 58: *quei ager publice non venieit*, and line 65: *publice venieit*. Contrast [*emptum*] *erit* in line 99.

³⁰ In view of the fragmentary state of lines 91 ff. we cannot categorically rule out the possibility that line 91 also referred to Achaea. Despite this the indications discussed at nn. 25–9 suggest to me that there was no reference to any eastern province before line 96.

Since line 91 has the term *venieit*, my reinterpretation requires us to assume that before the passage of the epigraphic law the Roman state had sold off not only some public land in Africa but also some of the *ager publicus* it had acquired in other parts of the empire. In my view, there are good grounds for thinking that this assumption is correct. In this context it should be remembered that the second half of the second century B.C. not only witnessed the destruction of Carthage and Corinth but also the imposition of Roman rule on the interior districts of Spain and on Southern Gaul. As a result of these conquests, Rome must have acquired substantial amounts of *ager publicus* in these areas, as is indeed proved by the foundation of Narbo Martius in 118 B.C.³¹ Interestingly, line 43 of the *Lex agraria* contains a reference to the establishment of a colony *ex lege Baebia*. Although modern scholarship remains divided over the identity of this colony, it is generally agreed that it was situated neither in peninsular Italy nor in Africa.³² Again the implication is that at least some land in a western province had become *ager publicus populi Romani*.

For all these reasons it does not seem far-fetched to suppose that lines 91–3 of the epigraphic law are to be interpreted as containing a short series of provisions concerning the rights of those non-Italian communities whose political existence had been temporarily extinguished by conquest or surrender and then recreated by a *senatus consultum*.

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³¹ It is also possible to point to the establishment of Roman colonies at Palma and Pollentia by Q. Metellus Balearicus, one of the consuls of 122 B.C. (Strabo 3.5.1), on which see Lintott (n. 1), 246.

³² *Lex agr.* 43: [...*ex lege*] *pl(ebeive) sc(ito), quod M. Baebius tr(ibunus) pl(ebis) IIIvir coloniae deducend[ae rogavit...]*, with the comments of Lintott (n. 1), 246, and Crawford (n. 1), 169. Cf. also the phrase *quod eius agri loci extra terra Italia est* in line 49.

MENS AND EMOTION: *DE RERUM NATURA* 3.136–46

The location of the mind was a point of contention among philosophers and physicians in antiquity. By the early third century B.C., however, the medical debate had effectively come to an end. The use of human vivisection allowed the Alexandrian physicians Herophilus and Erasistratus to establish beyond a doubt the brain's status as the control centre for psychic activity.¹ Surviving sources record no subsequent medical advocates of the heart over the head.² By contrast, philosophical defences of such a view continued throughout the entire Hellenistic period.³

¹ See the discussion in G. Cambiano, 'Philosophy, science and medicine', in K. Algra, J. Barnes, J. Mansfeld, and M. Schofield (edd.), *The Cambridge History of Hellenistic Philosophy* (Cambridge, 1999), 585–613, at 600–1.

² J. Mansfeld, 'Doxography and dialectic: the *Sitz im Leben* of the "placita"', in *ANRW* II 36.4 (Berlin, 1990), 3056–229, at 3092–108, contains a detailed analysis of relevant, surviving evidence.

³ So Cicero, for example, could treat the question as open in *Tusc.* 1.9.19: *alii in corde, alii in cerebro dixerunt animi esse sedem et locum*.