

Franco Luciani

# Slaves of the People

A Political and Social History of Roman  
Public Slavery

Classics

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*A Mameta*



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# Introduction

## *Approaching Roman Public Slavery*

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### 1. Public Slaves in Modern Scholarship

Slavery played a crucial economic and social role in Roman history. Since the earliest times, unfree individuals were employed to perform a range of duties, from menial labour to highly skilled work, in both the domestic environment and the public sphere.<sup>1</sup> Along with the large population of private slaves (*servi*) who were owned by individual masters (*domini*), and the far smaller but highly influential group of Imperial slaves who were property of the emperors and are attested from Augustus onwards (*servi Caesaris*),<sup>2</sup> another category of slaves is also present in the ancient evidence: the so-called ‘public slaves’ (*servi publici*), who were sometimes referred to as a group (*familia publica*). Public slaves were unfree individuals, owned by a community rather than a single master.

So far, there have been only three full-scale studies on public slavery in the Roman world. The earliest discussion on the topic goes back to the late 19<sup>th</sup> century: the important book *Les esclaves publics chez les Romains*, published by Léon Halkin in 1897 (and reprinted in 1965), was the first – and is so far the only – monograph to examine the phenomenon of public slavery both in Rome and in other cities of the Roman Empire.<sup>3</sup> Despite its title, Halkin’s book did not confine its focus to public slaves; it also dealt with the issue of manumission and discussed the role of freed public slaves in society. Halkin’s work is still a valid reference point, especially on account of the comprehensiveness of the treatment it provides.<sup>4</sup> Nevertheless, the epigraphical and archaeological evidence has considerably increased since the publication of Halkin’s book, and its catalogue of sources is now obsolete. Walter Eder’s 1980 volume (*Servi-*

1 For a useful discussion on Roman slavery see Bradley 1994; Schumacher 2001; Joshel 2010; Bradley – Cartledge 2011. On the historiography of slavery, modern theories and their relevant reception, see Finley 1980; Patterson 1982; Bodel – Scheidel 2017; Lenski 2018; Vlassopoulos 2020.

2 See Boulvert 1970; Weaver 1972; Boulvert 1974.

3 Halkin 1897. See also Halkin’s later article on the nomenclature of freed public slaves: Halkin 1935. Important earlier discussions: Mommsen 1887<sup>3</sup>, 250–259; Lehmann 1889.

4 Cébeillac-Gervasoni 2009, 23 n. 3.



tus publica. *Untersuchungen zur Entstehung, Entwicklung und Funktion der öffentlichen Sklaverei in Rom*) was the second full-scale attempt to deal with public slavery.<sup>5</sup> After almost a century since Halkin's book, Eder embarked on a study that focused exclusively on public slaves in Rome. This important book trails off markedly in the Imperial period when – Eder assumed – *servi publici* were substantially replaced by the slaves owned by the emperors. Since Eder provided neither a comprehensive corpus of the available evidence nor a relevant discursive overview of it, his monograph could not fully replace Halkin's work. The third study on public slavery is the recent monograph entitled *Sklave der Stadt. Untersuchungen zur öffentlichen Sklaverei in den Städten des römischen Reiches*, published by Alexander Weiss in 2004, which is entirely devoted to public slaves in cities other than Rome.<sup>6</sup> As predicted by Noel Lenski both in his review of the book and in a later study on public slaves in Late Antiquity,<sup>7</sup> Weiss' monograph has become a major reference book on public slavery. Thanks to the collection of numerous epigraphic sources brought to light across the 20<sup>th</sup> century, Weiss considerably increased Halkin's corpus of sources and shed light on a long-overlooked topic: as pointed out by Anna Bricchi in her 2006 review,<sup>8</sup> very few studies had previously drawn attention to public slaves in the cities of the Roman Empire.<sup>9</sup> Weiss' monograph therefore made a major contribution to the scholarship on the topic of public slavery. However, his work still contained gaps that offer opportunities for further study. For example, by focusing exclusively on the public slaves who were owned by self-governing communities, Weiss consciously chose not to discuss their counterparts in Rome; he also omitted the issues of manumission and the legal status of freed public slaves. Moreover, his valuable catalogue of the primary evidence, especially the epigraphic one, is far from complete.<sup>10</sup>

Despite the fact that a significant number of papers concerning Roman public slavery have been published over the last fifteen years,<sup>11</sup> this topic remains largely under-

5 Eder 1980. In between Halkin's and Eder's books, the only available contribution on public slavery is the article by Rouland 1977, partly rejecting some of the Halkin's arguments.

6 Weiss 2004.

7 Lenski 2005 and 2006.

8 Bricchi 2006a, 321–327.

9 The discovery of the Flavian charter on the *municipium* of Irni (Baetica) in 1981 had partly contributed to revitalise the debate on public slavery: see, e.g., Giménez-Candela 1981; Fear 1990; Weiss 2001. A reassessment of the social position of public slaves in Roman towns based on a case study of an inscription from Tudur was then provided by Serrano Delgado 1996; see also Chapter 5, Paragraph 5.2.8. A highly problematic attempt to discuss the issue of public slavery in the Etruscan context was made by Mastrocinque 1996. For a regional study on *apparitores* and public slaves in Cisalpine Gaul see Giorcelli Bersani 2002.

10 See updates in Luciani 2010; Luciani 2019c; Ricci 2020.

11 Cimarosti 2005; Silvestrini 2005; Bricchi 2006b; Lenski 2006; Zlinszky 2006; Sudi-Guiral 2007; Bruun 2008; Sudi-Guiral 2008; Luciani 2010; Sudi-Guiral 2010a; Sudi-Guiral 2010b; Sudi-Guiral 2010c; Zimonyi 2015; Edmondson 2016; Luciani 2017; Spichenko 2018; Easton 2019; Luciani 2019a;

studied. In light of new evidence, a full-scale reconsideration of the subject and a different approach are required.

## 2. Reassessing Public Slavery

The aim of this book is to fill this gap and provide a new comprehensive study of public slavery in the Roman world. The book will focus on the use of public slaves in both Rome and in other cities of the Western Empire, as well as on the development of public slavery from the Middle Republic (mid-third century BCE) to Late Antiquity (sixth century CE). The book will offer a holistic vision of public slavery in the Roman world. A crucial working assumption of the book is that only an integrative approach can do justice to such a complex phenomenon.

The first section of this project attempts to define public slavery. To accurately describe the meaning of this concept, one must investigate the significance of ‘publicness’ from a legal standpoint and analyse the way, or ways, in which an individual became a public slave (Chapter 1). The work then explores how the role of public slavery changed across time, especially during the transition from Republic to Empire (Chapter 2). By analysing the duties carried out by public slaves both in Rome and in other cities, the study also analyses the role played by public slaves in the life of a community and their relationships with the authorities (Chapters 3 and 4). The book then draws specific attention to the manumission of public slaves and to the legal status of freed public slaves. This section attempts to understand the circumstances that determined the scale and range of the manumission, as well as the possible relationship between public slaves and their masters before manumission, or between freed public slaves and their patrons (Chapter 5). Finally, the book addresses the position of public slaves in Roman society and reassesses the widely held assumption that they enjoyed a higher status within the Roman slave population (Chapter 6).

The discussions in this book are based on primary sources – not only epigraphical and literary texts, but archaeological and iconographic material as well. The analysis of all this evidence has led to a significant update of the previously collected collections of sources: 752 instances of public slaves, public freedmen or public freedwomen attested (as individuals or as a group) by literary and epigraphic sources are set out in a full thematic overview at the end of the volume (Appendices 1–3, 5–6). Appendix 4 includes records of individuals who can reasonably be recognized as public slaves or public freedmen and freedwomen, in light of not only their nomenclature but also the relevant context (e.g., their relationships with other public slaves and/or public

freedmen or freedwomen, their duties, etc.). The most relevant cases are also discussed in detail and suitably contextualised in the main text. Other individuals of uncertain status, whose nomenclature is the only argument to support their identification as public slaves, freedmen or freedwomen, are not included: indeed, they may have been descendants or former slaves of public freedmen and freedwomen.<sup>12</sup>

12 The same method has also been used by Halkin 1897; Vitucci 1958, 913; Weiss 2004, 191–192. A different approach to the issue was taken by Ricci 2020 and Gallo 2021. However, Ollie Salomies also issued a warning about using nomenclature indiscriminately in order to identify freed public slaves: cf. Salomies 2019, 283.

# 1. Being a Public Slave

## *Framing the Issue*

---

### 1.1 What Was a Public Slave?

Public slaves are attested by a wide spectrum of literary, historical, legal and epigraphic evidence. Nevertheless, an explicit definition of what being a public slave in the Roman world meant, or, more broadly, of public slavery as an institution, is missing in the surviving sources. In order to explain the nature of this institution from a legal and an ideological point of view, it is necessary to reflect on the concept of publicness, and especially on the term *publicus*. The concept of ‘public’ in Roman culture certainly differed from that currently found in contemporary Western discourse. If one applies modern models to the ancient notion of ‘public’, the latter might even appear ambiguous or paradoxical to some extent.<sup>1</sup>

From a legal standpoint, however, it is probably more meaningful to identify boundaries for the concept of publicness and public property.<sup>2</sup> When one considers that ‘things’ of common use were called ‘public’, as Cicero makes clear (*res ad communem utilitatem, quas publicas appellamus*),<sup>3</sup> it is not surprising that the slaves who performed public duties for the Roman State or for a city were generally called *servi publici* or *servae publicae*.<sup>4</sup> Slaves were, after all, legally intended as mancipable things (*res Mancipi*), which could be acquired as property.<sup>5</sup> *Servi publici* and *servae publicae* were thus ‘public things’. In some legal sources, the adjective *publicus* was used to designate property of both the Roman people (*populus Romanus*) and self-governing towns (*civitates*) at least until the early third century CE. In his commentary on the provincial edict, Gaius, a jurist who flourished in the mid-second century CE, still included the *res publicae populi Romani et civitatum* among the things that were exempted from usucaption (i. e.,

1 For recent and especially helpful discussions on this topic, see Winterling 2009, 58–76, with a focus on Imperial times, and Russell 2016, 25–42, who drew her attention to Republican times instead.

2 Moatti 2018, 299–346 is now essential reading on the legal concept of public property.

3 Cic. *Sest.* 42.91.

4 See *TLL* X, s. v. *publicus*, col. 2452.13–44. For an overview of the concept of state under the Roman Republic and a detailed discussion of the topic, see Lundgreen 2014.

5 Ulp. 19.1.

the acquisition of a title or right to property by uninterrupted and undisputed possession for a prescribed term) when he dealt with that issue.<sup>6</sup> Later on, however, use of the term *publicus* to define a property of either the Roman people or the self-governing towns was regarded as incorrect. In the early third century CE, Ulpian explained that:

*bona civitatis abusive 'publica' dicta sunt: sola enim ea publica sunt, quae populi Romani sunt.*

the goods of a community are wrongly called 'public', as only those things are public that belong to the Roman people.<sup>7</sup>

In another passage of his commentary on the provincial edict, Gaius admitted that:

*nam 'publica' appellatio in compluribus causis ad populum Romanum respicit: civitates enim privatorum loco habentur*

the designation 'public' relates in a number of cases to the Roman people, whilst communities are regarded as being in the position of private people.<sup>8</sup>

The fact that it was customary, if not legal, that the term 'public' was applied to the property of both the Roman people and the cities justifies a comprehensive study and categorization of public slaves in both Rome and the other self-governing communities of the Roman world.<sup>9</sup> However, it is also worth examining what other sources suggest about the reach and significance of public slavery in the city of Rome, the towns of Italy, and the provinces.

## 1.2 Public Slaves in Rome: Slaves of the Roman People

A number of inscriptions from Rome, dating to the first and second centuries CE, point to a close link between public slaves and the Roman people: they mention slaves whose nomenclature consisted of a single personal name combined with the formula, whether abbreviated or not, of *publicus* (scil. *servus*) *populi Romani*, i. e., "public (scil. slave) belonging to the Roman people" (Fig. 1).<sup>10</sup> Although this expression might seem a pleonasm, it was commonly used to designate public possessions, even in the Republican period. For instance, in the agrarian law of 111 BCE, there are several occurrences of the phrase *ager poplicus/publicus populi Romanei*, i. e., "public land belonging

6 *Dig.* 41.3.9 (Gai. 4 *edict. prov.*).

7 *Dig.* 50.16.15 (Ulp. 10 *ad edict.*); translation by Watson 1985, 448 (vol. 4).

8 *Dig.* 50.16.16 (Gai. 3 *edict. prov.*); translation by Watson 1985, 449 (vol. 4).

9 On this, cf. also Halkin 1897, 6, 137–139.

10 Cf. *Antiochus publicus p(opuli) R(omani) Aemilianus* (no. 31); *Laetus publicus populi Romani* (no. 84); *Agatho Claudianus publicus populi R(omani)* (no. 25).



**Fig. 1** Marble slab that mentions *Agatho Claudianus publicus populi R(omani)* (no. 25) – Rome, second c. CE (Rome, Musei Capitolini – Antiquarium; inv. NCE 44; photo: Archivio Fotografico dei Musei Capitolini NCE 44 © Roma, Sovrintendenza Capitolina ai Beni Culturali).

to the Roman people”.<sup>11</sup> In the *lex Antonia de Termessibus*, most likely passed in 68 BCE, the revenues from public property are referred to as *vectigalia publica populi Romani*.<sup>12</sup> Since the link between public slaves and the Roman people must have been self-evident, most of the inscriptions from Rome that mention public slaves contain only the adjective *publicus* next to their single name or – rarely – beside the word *servus*.<sup>13</sup> The term *publicus* was often sufficient to designate a slave who belonged to the Roman people and was therefore ‘public’.

The link between public property and the people as a whole is also evident in another passage from the jurist Gaius, this time from the *Institutions*:

*Quae publicae sunt, nullius videntur in bonis esse; ipsius enim universitatis esse creduntur. Privatae sunt, quae singulorum hominum sunt.*

Public things are regarded as no one’s property; for they are thought of as belonging to the whole body of the people. Private things are those belonging to individuals.<sup>14</sup>

<sup>11</sup> CIL I<sup>2</sup>, 585 = Crawford 1996, 113–180 no. 2 = AE 2001, 206; see also Sisani 2015.

<sup>12</sup> CIL I<sup>2</sup>, 589 = ILS 38 = AE 1990, 21 = AE 1993, 107 = Crawford 1996, 331–340 no. 19.

<sup>13</sup> Cf., e. g., *Cosmus publicus* (no. 46); *Papi(as) ser(vus) publicus* (no. 108).

<sup>14</sup> Gai. *Inst.* 2.11; translation by Gordon – Robinson 1988, 127.

The term *publicus* is clearly derived from *populus*,<sup>15</sup> a link that could provide an important clue. Writing in the late 50s BCE during a time of major political turmoil, in his dialogue *On the Commonwealth* Cicero has Scipio Aemilianus' say: "[...] the Republic is the property of the people".<sup>16</sup> In the early second century CE, when Tacitus records Nero's speech in the Senate after the death of Claudius, he uses the term *publicae provinciae* to refer to the senatorial provinces, which belonged to the people and were not administered by the emperor.<sup>17</sup> As Amy Russell recently pointed out, "*publicus* was not 'concerning everyone' but 'concerning the *populus Romanus*, the legally constituted universality of Roman citizens'".<sup>18</sup> *Servi publici* in Rome were no exception: they were mancipable things that belonged to the Roman people as a collective of citizens both under the Republic and during the Empire.<sup>19</sup> For this reason, they were at the disposal of the *res publica*.

In this respect, one may say that public slaves also belonged to the State, although the latter must not be understood in the modern sense.<sup>20</sup> For this reason, in his *Handbuch des römischen Privatrechtes*, Max Kaser distinguished between slaves of the State ("Sklave des Staates") and slaves who belonged to a private individual ("Sklave eines Privaten") or to the emperor ("Sklave des Kaisers").<sup>21</sup> This distinction is useful in seeking to understand the unique legal situation of public slaves who belonged to neither private individuals nor emperors. However, an expression like 'slaves belonging to the State' is not entirely suitable to define the *servi publici*. Indeed, the slaves of the emperor may also be included in such a category, especially from Claudius' time onward, as they gradually became a crucial part of the administration of the State.<sup>22</sup> It is therefore preferable to define public slaves in Rome as 'slaves of the Roman people'.

### 1.3 Public Slaves in Italian and Provincial Cities: Slaves of the Townsfolk

Similar information can be gathered from sources that refer to public slaves in other cities of the Roman Empire, whether in Italy or the provinces. A passage from Aelius Marcianus' *Institutions*, a legal handbook written in the early third century CE and

15 On this etymology and, in general, on the term *publicus* see TLL X, s. v. *publicus*, coll. 2448–2472.

16 Cic. *Rep.* 1.39: *est [...] res publica res populi* (my translation).

17 Tac. *Ann.* 13.4.2.

18 Russell 2016, 27.

19 I cannot agree on the idea that "[S]*ervi publici* were [...] the property of the Roman people during the republic (*populus Romanus*), and during the empire they were the property of emperors" (Sitek 2021, 252).

20 Cf. Lundgreen 2014.

21 Kaser 1971, 285.

22 Boulvert 1970, 374–418, 436–437; Eck 1995, 18–19; Eck 1998, 147–165.

partly included in the *Digest*, gives valuable clues about the legal status of a public slave in a self-governing community (*civitas*):

*Universitatis sunt non singulorum veluti quae in civitatibus sunt theatra et stadia et similia et si qua alia sunt communia civitatum. Ideoque nec servus communis civitatis singulorum pro parte intellegitur, sed universitatis [...].*

Things in ‘*civitates*’ such as theatres and stadiums and such like, and anything else which belongs communally to the ‘*civitates*’ are property of the community corporately not of separate individuals. Thus, even the communal slave of the ‘*civitas*’ is considered to belong not to individuals in undivided shares but to the community corporately [...].<sup>23</sup>

In the second century CE, the fact that a public slave in a self-governing town did not belong to individual citizens led to some disagreements among jurists, as an excerpt from Paul’s *Commentaries on the Praetorian Edict* makes clear:

*Municipes per se nihil possidere possunt, quia universi consentire non possunt. Forum autem et basilicam hisque similia non possident, sed promiscue his utuntur. Sed Nerva filius ait, per servum quae peculiariter adquisierint et possidere et usucapere posse: sed quidam contra putant, quoniam ipsos servos non possideant.*

Citizens of a municipality can possess nothing of themselves, because the consent of all is not possible. Hence, they do not possess the marketplace, public buildings, and the like, but they use them in common. The younger Nerva, however, says that they can both possess and usucapt through a slave what he has acquired through his *peculium*; there are, though, those who think differently, since the citizens do not own the slaves themselves.<sup>24</sup>

A slave of a *civitas* thus seems to have legally belonged to the people of that *civitas* collectively. In other words, a slave of a *civitas* belonged to the universality of citizens who formed the community, not the individual citizens. The same expression used by Aelius Marcianus, i. e., *servus communis civitatis*, can also be found in the so-called *lex Irnitana*, the Flavian law on the administration of the *municipium* of Irni in Baetica. In the *lex Irnitana*, municipal slaves are alternatively referred to as *servi communes municipum eius municipia*, i. e., “common slaves of the *municipes* of that *municipium*” (Chapters 18–20), and *servi publici*, i. e., “public slaves” (Chapters 72, 78).<sup>25</sup> First, the adjective *communis*, followed by the plural genitive of the noun *municeps*, indicates that the slave was possessed in common by all the inhabitants of the *municipium*, as in

<sup>23</sup> Dig. 1.8.6.1 (Marc. 3 *inst.*); translation by Watson 1985, 26 (vol. 1).

<sup>24</sup> Dig. 41.2.1.22 (Paul. 54 *ad ed.*); translation by Watson 1985, 504 (vol. 4).

<sup>25</sup> For editions and translations in different languages of the text of the so-called *lex Irnitana* (*lex Irn.*), see AE 1986, 333 (French translation by Patrick Le Roux); González – Crawford 1986 (English); d’Ors – d’Ors 1988 (Spanish); Lamberti 1993 (Italian); Wolf 2011 (German).



Aelius Marcianus' passage. Also, the expression *servi publici*, which was used with the same meaning, confirms that by the first century CE the term *publicus* could also refer to the property of self-governing towns – namely, municipal slaves – and not just to the belongings of the Roman people.

Other legal texts show that the term *publicus* commonly referred to the slaves belonging to self-governing towns, whether in Italy or in the provinces. The municipal slaves mentioned in the charter that regulated Italian *municipia* in the first century BCE, which is recorded in two bronze tables from Heraclea in Lucania,<sup>26</sup> are referred to as *publicei* (no. 330). Analogously, the slaves belonging to the Caesarian *colonia Genetiva Iulia* (Urso in Baetica) cited in the Flavian copy of its charter<sup>27</sup> are designated as *publici* (no. 534).

The link with the people was legally significant for public slaves in the cities at least as much as for those in Rome. Three inscriptions, from Petelia, Asisium and Ameria respectively, each refer to a slave belonging to the community through a formula (not abbreviated) such as *publicus* of the townsfolk of that particular city.<sup>28</sup> Such an expression is not substantially different from *publicus populi Romani*. Various other inscriptions record slaves of colonies or *municipia* by mentioning their single personal name, followed by the (unabbreviated) expression *colonorum* or *municipum servus*,<sup>29</sup> or by the collective ethnonym in the genitive (Fig. 2).<sup>30</sup> In some cases, the formula *populi servus* – or *libertus*, if manumitted – is also attested.<sup>31</sup> In other – less frequent – cases, the link with the townsfolk seemed to indicate that the public slave was the property of the town. Thus, one finds expressions such as *coloniae* or *municipii servus/-a* and *coloniae* or *municipii libertus/-a*, also in the plural.<sup>32</sup> Some inscriptions also reference slaves

26 For the edition and translation of the text of the so-called *tabula Heracleensis*, see Crawford 1996, 355–391 no. 24.

27 For the edition and translation of the text of the *lex Coloniae Genetivae Iuliae Ursonensis* (*lex Urs.*), see Crawford 1996, 393–454 no. 25.

28 Cf. *Euctus publicus Petelinorum vilicus* (no. 332); *Felix servus publicus Amerinorum* (no. 391); *Successus publicus municipum Asisinatium ser(vus) Amoenianus* (no. 397).

29 *Colonorum servi: Ellanicus* (sic) *colonorum* (sic) (scil. *servus*) (no. 220); *Privatus colonorum coloniae Veneriae Corneliae Pompeianorum ser(vus)* (no. 283); *Niceros colonorum coloniae Puteolanae servus arcarius* (no. 287); *Abascantus colonorum Aquil(eiensi) ser(vus) officio luc(or)um Herculis* (no. 444); *Helius colonorum* (scil. *servus*) (no. 453); *Evancelus* (sic) *colonorum Polensium* (scil. *servus*) (no. 484). *Municipum servi or liberti: Successus publicus municipum Asisinatium ser(vus) Amoenianus* (no. 397); *M(anius) Amiternius municipum l(ibertus) Iucundus* (no. 345); *L(ucius) Publicius Celer municipum Cars(ulanorum) lib(ertus)* (no. 399); *C(aius) Poblicius municipum Mediolaniens(i)u(m) l(ibertus) Alexsander* (no. 510).

30 Cf., e.g. *Phoebus Veronens(ium) vilicus plumbarior(um)* (no. 499).

31 *Castus populi s(ervus)* (no. 194); *Urbicus popul[i]* (scil. *servus*) (no. 344); *Montanus populi Antinatium Ma[r]sor(um) ser(vus) arcarius* (no. 347); *A(ulus) Poblici(us) populi l(ibertus) Ap(h)ro[di]si(us)* (no. 476).

32 *Coloniae servi or liberti: Publicia coloniae l(iberta) Graecul[a]* (no. 572); (scil. *Aelius*) *Moderatus libertus coloniae Lingonum* (no. 563); *Orinus coloniae* (scil. *servus*) (no. 586); *Phoebus coloniae* (scil. *servus*) (no. 587); *Tharsa coloniae* (scil. *servus*) (no. 589). *Municipii servi or liberti: C(aius) Saepinius*



**Fig. 2** Limestone altar dedicated to *Iuppiter Lustralis* by *Phoebus Veronens(ium)* *vilicus plumbarior(um)* (no. 499) – Verona, first c. CE (Verona, Museo Archeologico al Teatro romano; inv. 22673).

of the *res publica*,<sup>33</sup> whereas in legal sources formulas like *servi civitatis/-tum* are more common. In most of the extant inscriptional evidence, however, the status of each public slave or freedman/-woman is indicated by *COL* or *MVN* plus *SER* or *S* or *LIB* or *L*. These abbreviated forms do not allow us to verify whether the reference to the ‘masters’ was by the collective name of the citizens, i. e., *col(onorum)* vel *mun(icipum)* *ser(vus/-a)* vel *s(ervus/-a)* vel *lib(ertus/-a)* vel *l(ibertus/-a)*, or to the self-governing town, i. e., *col(oniae)* vel *mun(icipii)* *ser(vus/-a)* vel *s(ervus/-a)* vel *lib(ertus/-a)* vel *l(ibertus/-a)*. However, the impression is that such slaves, like the *servi publici populi Romani*, belonged to the citizens as a collective, and were slaves of the townsfolk as a whole. Consequently, they were also part of the public property (*publicum*) of a city.<sup>34</sup>

*municipi* [*l(ibertus)*] *Albanus* (no. 372); *Felix ser(vus) municipi Falisci* (no. 415); *C(aius) Iulius municipi l(ibertus) Felicio* (no. 627); *Ti(berius) Claudiu[s] municipii Celeia[e] lib(ertus) Favor* (no. 600).

33 Cf. *Parthenius arcarius rei publicae Lavicanorum Quintanensium* (no. 196); *Proculus rei public(a)e (scil. servus)* (no. 289); *Festus rei publicae Cluniensium servus* (no. 633).

34 Cf. also Spichenko 2018. For this reason, in the final Appendices we have preferred to expand abbreviated expressions like *COL* vel *MVN SER* vel *S* vel *LIB* vel *L* as *col(onorum)* vel *mun(icipum)* *ser(vus/-a)* vel *s(ervus/-a)* vel *lib(ertus/-a)* vel *l(ibertus/-a)* rather than *col(oniae)* vel *mun(icipii)* *ser(vus/-a)* vel *s(ervus/-a)* vel *lib(ertus/-a)* vel *l(ibertus/-a)*.

### 1.4 Approaching a Definition: Slaves of the People

The expression *servi communes municipum eius municipii*, used in the *lex Irnitana*, suggests that ‘common slaves’<sup>35</sup> or ‘communal slaves’<sup>36</sup> might also be appropriate ways of defining such slaves in English, as they were property of a community (whether the Roman State, a colony or a municipium) and belonged to all its members collectively. However, the expression ‘common (or communal) slaves’ overlooks the important connection between such slaves and the Roman people in Rome or the townsfolk as a whole in other cities, who were their real, albeit ‘impersonal’, masters.

This link with the people distinguished public slaves from all other slaves, especially Imperial slaves. Such a relation would much better be encompassed by the English adjective ‘public’, as they were intrinsically linked to the people, understood as either the *populus Romanus* in Rome or the group of the *coloni* and the *municipes*, whether in a *colonia* or in a *municipium*. Public slavery as an institution was solidly rooted in the traditional Republican political order, and the connection with the people was its most salient feature. Chapter 2 will discuss the ways in which public slavery served as a residual symbol of the Republic, when that regime was supplanted by the Principate.

In any case, we can use the expression ‘public slaves’ to refer to both the slaves who belonged to the *populus Romanus* in Rome and the slaves who were collectively owned by the townsfolk of a self-governing city (a colony or a *municipium*), whether in Italy or in the provinces.

### 1.5 Becoming a Slave of the Roman People: The Supply of Public Slaves in Rome

Having established the first and most essential feature of public slaves, i. e., the fact that they belonged to a well-defined community of people, whether the *populus Romanus* or the townsfolk of a colony or *municipium*, we can now explore how an individual became a *servus publicus*.

The military expansion of Rome between the mid-third and the mid-second centuries BCE led to extensive enslavements of prisoners of war (*servi captivi*).<sup>37</sup> Therefore, one can assume that one of the most ancient ways to supply Rome with public slaves was by the enslavement of captured enemies. Plautus’ play *The Captives* or *The Prison-*

35 See Michael H. Crawford’s translation, “common slaves of the *municipes* of that *municipium*”, for the expression *servi communes municipum eius municipii* in the *lex Irn.* 18, 20: Gonzalez – Crawford 1986, 182.

36 See Alan Watson’s translation, “the communal slave of the *civitas*”, for the expression *servus communis civitatis* in *Dig.* 1.8.6.1: Watson 1985, 26 (vol. 1).

37 Bradley 1999. On the enslavement of captives in warfare under the Principate, see Bradley 2004.

ers (*Captivi*), which focuses on enslaved prisoners of war, references both private and public slavery.<sup>38</sup> This mention seems to suggest that, between the late third and early second centuries BCE, prisoners of war in the Greco-Roman world could easily become public slaves.

Technically, the *servi captivi* were slaves who had been made the property of the State. However, only those *servi captivi* who were employed for common use were regarded as 'proper' public slaves (as will be shown in greater detail in Paragraph 1.7). For instance, a number of the prisoners captured at Nova Carthago in 210 BCE were put into the service of the army, perhaps as military engineers, and were therefore declared 'public slaves'.<sup>39</sup> However, the other enslaved prisoners, who were eventually sold as slaves to private individuals, were not considered 'public slaves'.

Similarly, slaves who had been confiscated from the enemy could also become *servi publici*. This was the case for many of the slaves of the king Ptolemy of Cyprus, who were brought to Rome by Cato the Younger in 58 BCE and made public property, thereby becoming *servi publici populi Romani*.<sup>40</sup> This will be examined more in detail in Chapter 2.

A passage from the *lex Aelia Sentia* of 4 CE reveals another way in which Rome may have been supplied with *servi publici*.<sup>41</sup> Under the provisions of this law, any private slaves who had been punished or convicted for dishonourable crimes, and later manumitted, would become free men. However, they would hold the same status as the foreigners who had capitulated (*peregrini dediticii*). These individuals would never become Roman citizens and could neither make a will nor inherit the contents of one. Moreover, they were not allowed to stay in Rome, or even within 100 miles of the city. Individuals who contravened these rules were made slaves again, without any possibility of being manumitted in the future, and were also forbidden from remaining in Rome or within 100 miles of the city. In the event that they were unlawfully set free, such individuals would become slaves of the Roman people (*servi populi Romani*).

Other supply sources of public slaves in Rome, presumably the most common ones under the Empire, seem to have been slave markets, and donations or inheritances of slaves from private households. The inscriptional evidence clearly shows that most *servi publici* in Rome bore a second name (*agnomen*) next to their single name and the indication of their public status.<sup>42</sup> This *agnomen* usually derived from the *nomen* or

38 Plaut. *Capt.* 334: *sed is privatam servitutem servit illi an publicam?*. See also Chapter 2, Paragraph 2.2.

39 Polyb. 10.17.9; Livy 26.47.1–2. See also Chapter 2, Paragraph 2.2.

40 Cass. Dio 39.23.2. See Chapter 2, Paragraph 2.3.

41 Gai. *Inst.* 1.27. Cf. Buckland 1908, 544–546. See also Chapter 6, Paragraph 6.8.

42 Cf., e.g., *Agatho Claudianus publicus populi R(omani)* (no. 25). 89 out of 125 public slaves and one freedman, whose nomenclature is certain or can be restored with sufficient certainty, are epigraphically attested with an *agnomen* (cf. nos. 24–29, 31–33, 35, 39, 42–45, 48, 50–51, 54, 58–64, 67–70, 72–76, 79–80, 82–83, 87–90, 92–93, 95–100, 104–107, 109–114, 120, 123–124, 126–127, 130–134, 138–141, 143–144, 146–157).

*cognomen* of their former masters.<sup>43</sup> Theodor Mommsen has even interpreted the fact that public slaves in Rome had a second name as an expression of their hybrid position between real freedom and real enslavement.<sup>44</sup> However, not all the *servi publici* in Rome bore an *agnomen*.<sup>45</sup> There is evidence of public slaves with and without the *agnomen*, who are all referred to as (*servi*) *publici*.<sup>46</sup>

It is difficult to imagine not only an intermediate social condition between *servi* and *ingenui* for public slaves, but also a difference in status between the *servi publici* with *agnomen* and those without *agnomen*. Therefore, a different explanation is required. One possibility is that, in most cases, public slaves with an *agnomen* had been given as gifts from private individuals, often wealthy senators or even emperors and members of the Imperial family, rather than purchased on the slave market. The *agnomen* had legal significance, as it indicated the previous private master of the public slave before he became public property. The *agnomen* may also have served as a symbol of the liberality of someone who gave his own slave as a gift to the State, thus granting the former master further prestige.<sup>47</sup>

On the other hand, most of the public slaves with no *agnomen* may have been purchased on the slave market at public expense. However, another possibility must be considered: certain public slaves in Rome may have been born into that status under the provisions of the so-called *Senatus Consultum Claudianum*. According to this senatorial decree, issued under Claudius in 52 CE, a free woman (*ingenua* or *liberta*) who married a slave without the knowledge and the consent of his master became a slave of her partner's owner. The woman could remain free if her partner's master agreed to it, but any child born from her union with the slave would become a slave of the father's master. The ancient practice of the *ius gentium*, which established that any child born from an unlawful marriage would take the same status as the mother, was later restored by Hadrian.<sup>48</sup> If a free woman cohabited with a public slave, any child born from that union would be a *servus publicus*. As will be examined in greater detail in Chapter 6, partnerships between public slaves and free or freed women are well attested in Rome. Moreover, as we will see in the next paragraph, it seems that the *Senatus Consultum*

43 Halkin 1897, 15–22, 32–35; Eder 1980, 14; Weiss 2004, 19–23.

44 Mommsen 1887<sup>3</sup>, 1.323 n. 2. Similarly, Weaver 1972, 214–215.

45 36 out of 125 public slaves and one freedman, whose nomenclature is certain or can be restored with sufficient certainty, are epigraphically attested with no *agnomen* (cf. nos. 23, 30, 38, 40, 46–47, 49, 52–53, 55–57, 66, 71, 77–78, 85–86, 91, 101–103, 108, 115–119, 121–122, 125, 128–129, 135–137).

46 Cf., e.g., *Menop(h)ilus Alf(ianus) ser(vus) pub(licus) ex basilica Opimia* (no. 92); *Threptus ser(vus) public(us)* (no. 136).

47 For the dispute between Clodius and Cato on the *agnomen* *Clodianus* or *Porcianus* to each of the public slaves who had previously belonged to the king Ptolemy of Cyprus (58 BCE), and the case of the *servi publici* with the *agnomen* *Iulianus* employed in the library at the Porticus of Octavia, who had probably been offered as a gift by Augustus, see also Chapter 2, Paragraphs 2.3 and 2.4.

48 Gai. *Inst.* 1.84. Cf. Weaver 1964, 137. For the *Senatus Consultum Claudianum* see Buongiorno 2010, 311–325.

*Claudianum* did not exempt *ingenuae* and *libertae* who entered a marital relationship with public slaves from its legal purposes. As a result, from Claudius to Hadrian, a substantial number of the public slaves recorded by the available sources from Rome may have been born from a free woman (*ingenua* or *liberta*) who cohabited with a *servus publicus*. This may have been true for at least 28 public slaves who lived in a period between the mid-first and early second century CE and did not bear the *agnomen* (cf. nos. 23, 30, 38, 40, 46–47, 49, 52–53, 55–56, 66, 71, 77–78, 85, 91, 102, 108, 115–116, 122, 125, 128–129, 135–137).

Nevertheless, slave breeding must have been limited in quantity and time, and was probably not the most common way to provide Rome with *servi publici*. It would have been relatively simple to have female public slaves, whose children would then also be born as public slaves according to the *ius gentium*. However, the complete absence of female public slaves in Rome seems to suggest that the State was mostly supplied with public slaves in the other ways mentioned above, i. e., enslavement of prisoners of war, confiscation of enemies' slaves, appropriation of individuals enslaved under the provisions of the *lex Aelia Sentia*, purchase of slaves on the market at public expense, and receipt of slaves from private individuals through donation or inheritance.<sup>49</sup>

### 1.6 Becoming a Slave of the Townsfolk: The Supply of Public Slaves in Italian and Provincial Cities

Similar supply sources of public slaves likely existed in the other cities, whether in Italy or in the provinces, albeit with significant differences in quantity and frequency.

Prisoners of war may have become public slaves in cities, but the available evidence is scarce; only a few examples are worth mentioning. The first case involved the man who had been entrusted with the task of executing Marius in Minturnae in 88 BCE; this fact was reported by several different sources, but its accuracy is doubtful.<sup>50</sup> If one can trust Valerius Maximus and Velleius Paterculus when they refer to the executioner as a public slave of Germanic or Cimbrian origin (no. 650), one might infer that he was an enslaved prisoner of the war fought by Marius against some Germanic tribes between 105 and 101 BCE.<sup>51</sup> However, caution is in order. The second case is *Agathyrsus Reg(iensium* scil. *servus*) (no. 439), whose name was of Greek origin,<sup>52</sup> and may have been derived from the ethnonym of the *Agathyrsi*, a population settled in Dacia. For this reason, some scholars have proposed that he was a prisoner who had been brought

49 Similarly, no female public slaves in Classical Athens are attested: see Jacob 1928, 8.

50 Cf. Chapter 2, Paragraph 2.6.

51 Val. Max. 2.10.6; Vell. Pat. 2.19.

52 Solin 2003<sup>2</sup>, 649.

to Italy as a result of Trajan's Dacian Wars (101–102, 105–106 CE).<sup>53</sup> The inscription mentioning this public slave may be dated to the second century CE, but any conclusion must remain conjectural. The slave may have been an enslaved prisoner of war who had not become a public slave as such but had simply been put on sale on the slave market and then purchased by the city of Regium Lepidi.

Purchase on the slave market was another method frequently used by cities to secure the supply of *servi* that were then put at the disposal of the community as *publici*.<sup>54</sup> Under the provisions of the *lex Irnitana*, Chapter 79 (on “the spending of common funds of the *municipes*”), part of the public budget of the municipium of Irni was officially devoted to the “purchase” (*emptiones*) of “those who are the slaves of the *municipes*” (*qui municipibus servant*) (no. 528). A similar clause was probably included in the charters of all the Roman self-governing towns, whether in Italy or the provinces. There is clear evidence of public slaves who had been bought. At Herculaneum, a slave was purchased at public expense with the stated purpose of being in charge of the weights of the city (no. 193). At Colonia Patricia Corduba (Baetica), [Tr]ophimus *c(olonorum) c(oloniae) P(atriciae) ser(vus) [e]mpt(icius) Germanianus* (no. 522) presented A(ulus) Publicius [Ge]rmanus (no. 521), a public priest in the colony and (twice) a *magister* of the college of the local *familia publica*, with an honorific inscription. The *agnomen* *Germanianus* seems to suggest that, before becoming a public slave, [Tr]ophimus may have been the *servus* of A(ulus) Publicius [Ge]rmanus (no. 521): the latter, who had likely been a public slave too (and then manumitted), had at some point sold his own slave to the city of Corduba.

Traces of other public slaves who may have been purchased, donated or inherited from private masters can be found in the *agnomina* included in the nomenclature of two public slaves, namely *Albanus ser(vus) publ(icus) Iunianus* at Alba Helviorum (Gallia Narbonensis) (no. 543), *Successus publicus municipum Asisinatium ser(vus) Amoenianus* at Asisium (no. 397), and possibly a third one, *Dexter Duron(an)us a basilica* at Capua (no. 646).

In terms of supply sources of public slaves, one factor that differentiated Rome from other cities was the apparently high proportion of public slaves who were born as such. Weiss has suggested that ‘slave breeding’ may have played a crucial role in the supply of public slaves in Italian and provincial cities more important than seizure of prisoners of war, purchase on the slave market, and donation or inheritance of slaves from private masters.<sup>55</sup> Female public slaves are well attested by available evidence from all over the Empire, and by giving birth to children, it is likely that they significantly contributed to supplying cities with new public slaves. As has already been mentioned, any child born from an unlawful marriage, like the one between a *servus publicus* and a *serva*

53 Kolosovskaja 1987, 214–217; cf. also Weiss 2004, 22.

54 Cf. also Weiss 2004, 19–21.

55 Weiss 2004, 24. On the phenomenon of ‘slave breeding’, see Bradley 1987a.

*publica*, took the same status as the mother, according to the *ius gentium*.<sup>56</sup> In the latter case, the child would have become a public slave when born. Cities did not prevent *servi publici* from partnering with *servae publicae*; available evidence suggests that such partnerships were frequent.<sup>57</sup>

However, the practice of ‘mixed marriages’ was also common: various unions between public slaves and *ingenuae* or *libertae* (or *incertae*) are attested.<sup>58</sup> Any child born from such a union was an illegitimate freeborn.<sup>59</sup> However, the promulgation of the above-mentioned *Senatus Consultum Claudianum* in 52 CE seems to have given cities the chance of not losing potential new public slaves. *Servi publici* were subject to the provisions of the *Senatus Consultum Claudianum*. This is attested by an early second century CE funerary altar set up for *Herennius col(onorum) Emer(itensium) ser(vus)* (no. 570), by *Luceia Herennia*, his mother, from whom the former derived his own name, according to a practice also used among members of the *familia publica*.<sup>60</sup> *Luceia Herennia* was a freeborn (*ingenua*) or a freedwoman (*liberta*), whereas her child was a public slave. What explains the status difference between this woman and her son? One might imagine that, after entering a relationship with a public slave of the inhabitants of Augusta Emerita, she could have maintained her status as a free woman based on an agreement with the *ordo decurionum* of the city. Under the provisions of the *Senatus Consultum Claudianum*, her son *Herennius* became a slave of his father’s owner – i. e., the townsfolk of Augusta Emerita – and therefore a public slave.<sup>61</sup>

Whether *servi publici* partnered with *servae publicae* or free women, it seems that, between the mid-first and the mid-second centuries CE, the children of any public slave were public slaves at birth. This confirms the idea that ‘slave breeding’ was one of the largest supply sources of public slaves in the cities of the Empire.

### 1.7 The Three Specifics of Public Slaves

The first essential feature of public slaves was their belonging to a well-defined group of individuals who formed the people of a city, whether Rome or any other self-governing community. Having a plural entity as a master instead of an individual person was the defining feature of a public slave.

56 Gai. *Inst.* 1.80. See also Weaver 1986, 145–147.

57 Weiss 2004, 24.

58 Weiss 2004, 166–167.

59 See also Paragraph 1.5.

60 See, e.g., CIL XIV, 2470 (*Castrimoenium*, *Regio I*): *Sebera* (sic), mother of *Seberianus* (sic) *rei pub(licae) ver(na)*; CIL V, 3832 = IG XIV, 2312 (*Verona*, *Regio X*): *Veronia Chreste*, mother of *C[hr]estus Veronensium* (scil. *servus*).

61 Cf. Edmondson 2016, 65–81; Luciani 2019c, 298.



However, coming into and remaining in public possession were not a sufficient condition to be a public slave. As already mentioned,<sup>62</sup> enslaved prisoners of war (*servi captivi*) were slaves who were the public property of the State, but who were not necessarily *servi publici*. Only those *servi captivi* who were employed for common use were regarded as *servi publici*. This was the case for the above-mentioned prisoners of war, who had been enslaved in Nova Carthago in 210 BCE and were employed as engineers in the army.

As for public slaves in colonies and *municipia*, the potential to perform activities for common use was sufficient to recognize someone as a *servus publicus*. Indeed, a few funerary inscriptions refer to very young slaves as *publici* or mention the townsfolk as their masters.<sup>63</sup> As discussed, these young slaves were likely the offspring of other public slaves, and had therefore been public slaves since birth. Their presumed future employment for common use, along with the fact that they were in public possession, must have been enough to designate them as *servi publici*, although they were not yet of an age suitable for work. The same seems to have applied to female public slaves. The substantial number of sources mentioning *servae publicae* – mentioned above – do not reference their occupations. Their main function was to give birth to new public slaves, besides rearing them and running the houses where their families lived. Although these activities were not legally or socially recognized, female public slaves were acting in the best interests of their communities. This justified their affiliation with the group of public slaves.

In most other cases, though, it is the available evidence to provide all the necessary information about the official role played by each *servus publicus*, and one can thus safely conclude that performing duties of public interest and, generally speaking, being employed for common use was the second fundamental feature of all public slaves. The wide range of services that public slaves provided to the community, in Rome and in other cities, will be explored in Chapters 3 and 4.

A third essential feature of public slaves' predicament was their prospect of obtaining freedom through an official procedure. Like all other slaves in the Roman world, *servi publici* could be manumitted and obtain freedom. This does not mean that all public slaves were actually granted freedom. As will be analysed in detail in Chapter 5, public slaves in Rome were rarely manumitted. Conversely, public slaves in the colonies or the *municipia* were set free more frequently. However, this opportunity did exist for all public slaves. After being released from slavery, they became *liberti publici* or *libertae publicae* and received either the *gentilicium* of the magistrate who had manumitted them (most common in Rome); the *nomen* *Poblicius*/*Publicius* derived from the adject-

62 See Paragraph 1.5.

63 See, e. g., *Primio publicus* (no. 190), who lived for nine years and nine months; *Neapolis Potent(inorum scil. servus)* (no. 333), who lived for one year and four months; *Secunda publica* (421), who lived for seven years and 10 months. Cf. also Weiss 2004, 26.

tive *publicus*; or a *nomen* derived from the toponyms (or epithets) of the self-governing towns that set them free.<sup>64</sup> Freed public slaves often continued to perform activities for their communities, usually the same ones that they had performed as slaves.<sup>65</sup>

### 1.8 Belonging to an Administrative District: Slaves and Freedmen of Provinces

Like the *civitates*, each of the provinces (*provinciae*) also possessed a legal personality, as well as the capacity to hold and manumit its own slaves.<sup>66</sup> A few inscriptions provide convincing evidence of slaves and freedmen who belonged to provinces.<sup>67</sup>

The most significant evidence was the case of a slave from the province of the Three Gauls (*Tres Galliae*), known as *Abascantus* (no. 733). *Abascantus* went to Ostia, likely on official business attending to a provincial officer, and then permanently settled there in the mid-second century CE, after having been set free by the provincial council at Lugdunum, and becoming *P(ublius) Claudius trium Galliar(um) lib(ertus) Abascantus* (no. 735).<sup>68</sup> He is mentioned as a slave in a funerary marble altar that he set up for his partner *Modestia Epigone* on 177 CE, June 27<sup>th</sup>. Two other inscriptions, also from Ostia, refer to him as a freedman: *P(ublius) Cl(audius) trium Galliar(um) lib(ertus) Abascantus* (no. 735). To explain this nomenclature, Peter Herz has proposed that the freedman of the Three Gauls might have taken the *gentilicium* *Claudius* from Nero Claudius Drusus Germanicus,<sup>69</sup> the younger brother of Tiberius who was also known as Drusus the Elder, and who died in 9 BCE during the Germanic campaign across the River Rhine.<sup>70</sup> Since he had built a special relation with the Gallic *civitates*, Herz supposed that he may have been regarded as a sort of (posthumous) *patronus* for the Gallic *concilium*. Herz wondered whether a link with the term *publicus* may have influenced the choice of the *praenomen* *Publius*.

Although Herz's theory is intriguing, the evidence supporting it is slightly problematic. For example, there was a considerable gap between 9 BCE and the late second century CE, when *P(ublius) Cl(audius) trium Galliar(um) lib(ertus) Abascantus* (no. 735) lived. Also, if freed slaves of the provinces (and in general all public freedmen) had derived their *praenomen* from the adjective *publicus*, one would expect to

64 Luciani 2021a.

65 See also Chapter 5, Paragraph 5.2.4.

66 Deininger 1965, 140.

67 Cf. Appendix 5.

68 Meiggs 1973,<sup>2</sup> 215 with n. 7; Noy 2000, 207. Another slave of the Three Gauls is known in Rome: *Atticus III provinciarum Galliarum servus* (no. 734). Cf. also Noy 2000, 207; Ricci 2006, 17; Scuderi 2009, 94.

69 Herz 1989, 168–170.

70 Cass. Dio 55.1–2.

find many more instances of public freedmen with the *praenomen* *Publius* than is the case.<sup>71</sup> Therefore, Halkin's theory is preferable: *P(ublius) Claudius trium Galliar(um) lib(ertus) Abascantus* (no. 735) probably took his *nomen* from one of the epithets of the capital of the Three Gauls, where the provincial council had its seat – i.e., *Colonia Copia Claudia Augusta Lugdunum* (the official designation from the Emperor Claudius).<sup>72</sup> As shown by the cases of *Claudia Suavis colonor(um) lib(erta)* (no. 542) and *Tib(erius) Cl(audius) [C]hrestus, clavic(ularius) carc(eris) p(ublici) Lug(uduni)* (no. 713), the public slaves of the townsfolk of Lugdunum took the *gentilicium* *Claudius* upon manumission.<sup>73</sup>

A similar situation existed in Corduba, the seat of the council of the province of Baetica.<sup>74</sup> The inscription mentioning *A(ulus) Publicius [Ge]rmanus* (no. 521) – who had twice been a *magister* of the *familia publica* of Corduba – seems to suggest that public freedmen of the inhabitants of Corduba received the *nomen* *Publicius*. Likewise, two public freedmen of the province of Baetica, attested by other two inscriptions from Corduba, took the same *nomen*: *C(aius) Public(ius) provinc(iae) Baetic(ae) lib(ertus) [- - -]* (no. 730) and *P(ublius) Publicius provinc(iae) Baetic(ae) lib(ertus) Fortunatus* (no. 729). The latter was a sculptor of marble statues (*marmorarius signuarius*).<sup>75</sup>

All of these freedmen of the provinces likely took their *nomen* from the toponym of the city where the provincial council had its seat. The same applies for the public freedmen of those cities. As for their *praenomen*, they may have taken it from that of the official (or provincial *flamen*?) who proposed their manumission and then set them free.<sup>76</sup>

Other inscriptional evidence seems to suggest the existence of different nomenclature customs, although the interpretation of this evidence is far from certain. A late second century CE funerary stele from Bracara Augusta (*Tarraconensis*) refers to a man, *Provincialis Nereus* (no. 737), whose status as a freedman of the province was indicated by the abbreviated expression *P.L.* These initials may have stood for *p(rovinciae) l(ibertus)*, but they may also have stood for *P(ubli) l(ibertus)*. If the former interpretation is correct, then slaves of the provinces, when manumitted, may have also taken the

71 Only 8 individuals among the freedmen of *civitates* or provinces, including *P(ublius) Cl(audius) trium Galliar(um) lib(ertus) Abascantus* (no. 735), out of 157 bore the *praenomen* *Publius*: *P(ublius) Ostiensis coloniae libertus Acutus* (no. 233); *P(ublius) Mevanas municip(i)um l(ibertus) Faustus* (no. 404); *P(ublius) Pisaur(ensis) col(onorum) lib(ertus) Achilles* (no. 405); *P(ublius) Public(ius) Brixian(or)um l(ibertus)* (no. 471); *P(ublius) Poblicius m(unicipum) V(icetinatorum) l(ibertus) Valens* (no. 506); *P(ublius) Publicius coloni(a)e lib(ertus) Fortis* (no. 618); *P(ublius) Publicius provinc(iae) Baetic(ae) lib(ertus) Fortunatus* (no. 729).

72 Halkin 1897, 149, 165 n. 4. On the seat of the *concilium III Galliarum*, see Deininger 1965, 99; Haensch 1997, 135.

73 Cf. also Halkin 1935, 134; Luciani 2021a, 182.

74 Deininger 1965, 128; Haensch 1997, 183.

75 See Chapter 4, Paragraph 4.5.6.

76 For the hypothesis about provincial *flamines* as manumitters of the slaves of the provinces, see Alföldy 1975, 184. *Contra* Herz 1989, 169.

*nomen Provincialis*, which derived from their previous status of *servi* or *servae provinciae*. However, caution is in order. One second century CE inscription from Tarraco, the capital of the province of Tarraconensis, suggests that the slaves of the provinces may also have received other *nomina* upon manumission. This inscription mentions a man, *L(ucius) Fabius Victor* (no. 736), whose status was indicated by the expression *provinc(iae) lib(ertus)*. This man may well have taken his *nomen* from that of the officer (the provincial governor or *flamen*?) who decided and supervised his manumission.

These issues reveal that the rules governing the nomenclature of the freedmen of the provinces were very similar to the ones that governed the freedmen of the Roman people and of the *civitates*. However, other reasons also suggest to assimilate the slaves of the provinces to public slaves. First, they belonged to an administrative community – i. e., the citizens of a province as a whole. Second, as we will examine in greater detail in Chapter 4, they were employed for common use. They may have served as assistants to the provincial governors or *flamines*, or they may have provided specific services to the provincial community. This was the case for the above-mentioned *P(ublius) Publicius provinc(iae) Baetic(ae) lib(ertus) Fortunatus* (no. 729), who was a *marmorarius signarius*, but *Tertullus provinc(iae) scil. servus* (no. 733) may also have been an assistant of the provincial governor.<sup>77</sup> Finally, slaves of the province could be formally manumitted, which would officially render them *provinciae liberti* or *libertae*.

### 1.9 Public Slaves and Slaves of the Guilds: Two Sides of the Same Coin?

In light of the three features of public slaves, which also seem to have applied to slaves of provinces, one could argue that the slaves of associations (*societates*) and guilds (*collegia*), who had similar legal features to the *civitates*, were very similar to *servi publici*: 1) the evidence suggests that associations and guilds also owned slaves; 2) these slaves were the property of the members as a whole and presumably acted in their interests; 3) they could also be manumitted.

If we regard the group of *apparitores* as a *collegium*, as seems to have been the case,<sup>78</sup> we should also consider an inscription engraved on a marble columbarium stele from Rome, which dates to the Claudian age. The inscription listed *Turannus* (no. 742), whose status – *verna, tab(ularius) apparitor(um) sacris omnium* – indicated that he was a slave of the group of attendants that oversaw sacred rites. *Turannus* was also a *verna*, i. e., a slave who was born in that condition. Therefore, we can conclude that *collegia* owned slaves. Some of those slaves might have even been born in the household of

<sup>77</sup> See Chapter 4, Paragraphs 4.4.2.1 and 4.5.6.

<sup>78</sup> Waltzing 1895, 54–55; Waltzing 1899, 213–216.

other slaves of the *collegia*, in which case they would have been slaves of the *collegia* since birth.

Certain inscriptions also contain evidence of freedmen of associations and guilds. The evidence suggests that, in receiving a *nomen* derived from the name of an association or guild, these freedmen followed a nomenclature practice very similar to that of public freedmen and freedwomen in the cities. A first century CE inscription from Rome, whose text was copied by Ariodante Fabretti in the 19<sup>th</sup> century, mentions a maker or seller of vessels (*vascularius*), who was a *soc(ietatis) l(ibertus)* and was named *P(ublius) Monetius Philogenes* (no. 740). This man would have been a freedman of the *societas monetalis*. Similarly, *C(aius) Miniarius Atimetus* (no. 739), who is mentioned as a *procu(rator) sociorum miniariarum* (scil. *officinarum*) in the inscription on a late first or early second century CE marble urn from the Via Salaria, was likely a freedman of the *societas* of the workshops connected with the extraction of cinnabar (*officinae miniariae*).<sup>79</sup> The same seems to have applied to the freedmen of the *decuriae* of *apparitores*, attested by two inscriptions from Rome. The first one – a first century CE marble stele from Rome, now kept in Urbino – clearly mentions *T(itus) Velatius Ganymedes* (no. 743) as a freedman of the *accensi velati*. During the Empire, the *accensi velati* were ministers of the official Roman cult. The *accensi velati* had a similar function to the *apparitores ad sacra*, who assisted the highest magistrates in Rome – the consuls – with performing public rites. They were organized in a *centuria*, which was divided into more *decuriae* and acted under the supervision of the college of pontiffs.<sup>80</sup> The second inscription, probably dating to the first century CE, mentions *L(ucius) Quaestorius Cinyra* (no. 741) and indicates his status as a *lib(ertus) librar(iorum) quaestor(iorum)*. The *librarii quaestorii* should be interpreted as the *scribae librarii* of the *decuria quaestoria*, i. e., the *decuria* from which these *apparitores* were chosen and then assigned to quaestors.<sup>81</sup> In both cases, it is clear that the two former slaves of these *collegia* took names derived from the groups to which they belonged: *Velatius* < (*accensi*) *velati*; *Quaestorius* < (*librarii*) *quaestorii*.

Other inscriptions from Italy and the provinces indicate that this nomenclature custom was very common. One example is *M(arcus) Picarius Nuraeus* (no. 744), whose status was indicated by the expression *socior(um) lib(ertus)* in an inscription from Pisaurum dating to the Imperial age. This man was a freedman of the members of the association of pitch makers (*picarii*) and took his *nomen* from the name of the *societas*.<sup>82</sup> Another important example is the physician *M(arcus) Aerarius Telemac(h)us*,

79 The restoration of the term *officina* is not strictly necessary: for the feminine term *miniaria*, see TLL VIII, s. v. *officina*, coll. 998–999.

80 Di Stefano Manzella 1994, 261; Di Stefano Manzella 2000, 226–227.

81 Cf. also Purcell 2001, 641 n. 30. On the general organization of *apparitores*, see Purcell 1983. On *scribae*, see Muñiz Coello 1982; Purcell 2001; David 2019, 69–92.

82 On the term *picarius* see TLL X.1, s. v. *picarius*, col. 2074. On the *nomen* *Picarius*, see Schulze 1904, 415.

whose early-first century CE funerary slab from Corduba (Baetica) referred to him as a *soc(ietatis) aerar(iorum) lib(ertus)* (no. 746). This shows that the slaves of the association of copper miners (*societas aerariorum*) also took a *nomen* derived from the name of the association which set them free. Analogously, three freedmen of the *societas Sissaponensis* (nos. 747–749) received the *nomen Argentarius* from the name of the metal (silver) mined by the association to which they belonged. An inscribed limestone altar from Brixia, dating to the late second or early third century CE, lists a man, *Fabricius Centonius Cresimus* (no. 745), whose status was indicated by the expression *collegiorum lib(ertus)*. This man set up the funerary monument for his wife *Fabricia Centonia Arethusa* and his daughter *Chresime*. *Fabricius Centonius Cresimus* clearly took his two *nomina* from the names of the local *collegia* of *fabri* and *centonarii*, which had set him free.<sup>83</sup> Because his wife shared his *nomina*, it is uncertain whether she was also a former slave of the two *collegia* or a freedwoman of *Fabricius Centonius Cresimus*. The same ambiguity applies to a number of individuals recorded by other inscriptions, who bore names derived from *collegia*, but lacked any explicit indication of their status as freedmen or freedwomen of associations or guilds.<sup>84</sup>

It is possible to draw an analogy between this nomenclature custom and the one used for many freed public slaves of the *civitates*: like the latter, who mostly bore *nomina* based on the toponyms of the cities that had set them free, the slaves of *societates* and *collegia* also seem to have taken *nomina* derived from the names of relevant associations or guilds upon manumission. In both cases, the single name they had as slaves became their *cognomen*.

A different nomenclature custom is indicated in an inscription found in the 16<sup>th</sup> century near Metz (Divodurum, the administrative centre of the Mediomatrici) and dated to the late first or early second century CE. The text of this inscription mentions *M(arcus) Publicius Secundanus nautarum Mosallicor(um) libertus* (no. 751), an archivist (*tabularius*) who likely worked in the college itself, as well as a *sexvir Augustalis*. The members of the guild of the sailors of the Moselle (*nautae Mosallici*) had therefore set their own slave free, and the slave had in turn taken the *nomen Publicius* upon manumission. This custom was shared by public freedmen in Rome and other cities.

83 Cf. Liu 2009, 147–148, 177–178, 369 no. 162, where *Fabricius* is wrongly interpreted as a *praenomen*.  
 84 See, e.g., *Fabricius Iucun[dus]*, *F[ab]rici(i) S[i]lv[an(us)] et Licinia[n(us)]* (CIL III, 1553 = IDR III, 1, 269 = IDR III, 5/2, 528; Apulum – Dacia); *Collegius Fabricius* (CIL VIII, 3545 = ILS 7257a; Lambaesis – Numidia); *Quinta Centonia* (CIL XII, 1385; Vasio – Gallia Narbonensis); *Q(uintus) Navicularius Victorinus* (CIL XII, 853; Arelate – Gallia Narbonensis). Cf. also Liu 2009, 178. On the contrary, Waltzing 1895, 455–456, interpreted them all as former slaves of the *collegia*. It is equally unclear whether other individuals who bore *nomina*, such as *Fullonius* and *Purpurarius*, whose status is not explicitly indicated, were freedmen of the relevant *collegia* of *fullones*, *purpurarii* or rather their descendants: on the *Purpurarii* from Mutina, see Parisini 2013. Another freedman of the *collegium* of the *fabri navales* is attested by two epigraphical sources in Ostia, but his *nomen* is not indicated in the text: *Calocaerus lib(ertus)* (CIL XIV, 168–169; Ostia – Regio I).

A slave of a *collegium* must have been regarded as the property of the members of the guild as a community, not unlike slaves and freedmen of a self-governing town. In this respect, a slave of a *collegium* was *publicus/-a* and hence entitled to receive the *nomen Publicius/-a* upon manumission. Another example comes from a late first or early second century CE stele, also from Metz, which mentions a man with the same *nomen*, *Sex(tus) Public(ius) Decmanus* (no. 750). This man's status is indicated by the abbreviated expression *COL MED LIB*. In light of the previous case (no. 751), the most accurate expansion of *COL MED LIB* may be *col(legii) med(icorum) lib(ertus)*.<sup>85</sup> The guild of physicians (*collegium medicorum*) certainly existed in the Roman Imperial world, as attested by an inscription from Beneventum, dating to the Trajanic or Hadrianic age.<sup>86</sup> On the contrary, Weiss' interpretation of the abbreviated expansion as *col(onorum)* or *col(oniae) Med(iomatricorum) lib(ertus)* is not supported by any other evidence of the colonial status of the city of Divodurum.<sup>87</sup> Scholars have been split between an interpretation involving a freedman of a guild and another involving a freedman of a city, simply because former slaves of cities and colleges could take the same *nomen*.

These similar onomastic practices also seem to indicate a shared legal trait. From the Imperial period onward, the legal personalities of *collegia* were modelled on the personalities of the State and of self-governing communities.<sup>88</sup> Legal texts regarding possession and usucaption from the second and third centuries CE often treated members of a guild in the same manner as they treated the citizens of a self-governing town. The following passage from Ulpian's commentary *On the Edict* is clear on this point:

*Item municipes ad exhibendum conveniri possunt, quia facultas est restituendi: nam et possidere et usucapere eos posse constat: idem et in collegiis ceterisque corporibus dicendum erit.*

Again, the citizens of municipalities can be sued for production, because they have the power to restore; for it is agreed that they can also possess and usucapt. The same applies to *collegia* and other collective bodies.<sup>89</sup>

The possibility for *collegia* to have their own slaves fell within their right to possess and usucapt. The right to manumit slaves was granted to *collegia* by Marcus Aurelius, as was explicitly declared in a passage from Ulpian's commentary on the civil law, *Ad Sabinum* (included in the *Digest*):

*Divus Marcus omnibus collegiis, quibus coeundi ius est, manumittendi potestatem dedit. Quare hi quoque legitimam hereditatem liberti vindicabunt.*

85 Cf. also Rémy 2010, 178–179.

86 *CIL* IX, 1618 = *ILS* 6507 (Beneventum, Regio II). Cf. also Tran 2012, 65.

87 Weiss 2004, 243 no. L75.

88 Bonfante 1987, 57; Tran 2012, 65–66, 71, 79–80. On the economic role of ancient *collegia*, see Verboven 2011.

89 *Dig.* 10.4.7.3 (Ulp. 24 *ad ed.*); translation by Watson 1985, 332 (vol. 1).

The deified Marcus gave to all 'collegia' which have the right to meet the power to manumit, in consequence of which they will claim the lawful inheritance of the freedman.<sup>90</sup>

One could argue that Marcus Aurelius' measure only affirmed an existing practice. The evidence of freedmen of associations and guilds seems to date mainly to a period prior to the second half of the second century CE; therefore, *collegia* probably manumitted their own slaves well before the second century CE.<sup>91</sup>

Furthermore, legal texts often mention the names of slaves and freedmen of *collegia* and *decuriae* alongside those of slaves and freedmen of self-governing towns. Another passage from Ulpian's commentary *Ad Sabinum* is indicative:

*Servus municipum vel collegii vel decuriae heres institutus manumissus vel alienatus adibit hereditatem.*

A slave belonging to the citizens of a municipality or a *collegium* or a *decuria*, who has been instituted heir, if manumitted or alienated, will [be able to] accept the inheritance.<sup>92</sup>

Ulpian also dealt with the case of a *servus rei publicae* and the *servi corporum* in a passage from his books *De officio proconsulis*:

*Servum municipum posse in caput civium torqueri saepissime rescriptum est, quia non sit illorum servus, sed rei publicae. idemque in ceteris servis corporum dicendum est: nec enim plurimum servus videtur, sed corporis.*

It has very frequently been written in rescripts that a slave belonging to a municipality [may] be tortured in capital cases affecting the citizens because he is not their slave but the State's, and the same should be said of other slaves belonging to corporate bodies; for the slave appears to belong, not to a number of individuals, but to the body [itself].<sup>93</sup>

As for freedmen, the legal assimilation of *collegia* to *civitates* is clarified in another passage from Ulpian's commentary *On the Edict*:

*Qui manumittitur a corpore aliquo vel collegio vel civitate, singulos in ius vocabit: nam non est illorum libertus.*

90 Dig. 40.3.1–2 (Ulp. 5.14 *ad Sab.*); translation by Watson 1985, 429 (vol. 3). See also Bonfante 1987, 57.

91 Cf. also Waltzing 1895, 55 n. 2; Di Stefano Manzella 1994, 262–263 n. 3. It is uncertain whether the actor *Eutyches*, who is mentioned in an inscription from Rome (*CIL* VI, 671), was a slave of the *collegium magnum Lar(um) et imag(inum)* of Antoninus Pius, or a slave of the emperor: cf. Aubert 1999, 67.

92 Dig. 29.2.25.1 (Ulp. 8 *ad Sab.*); translation by Watson 1985, 879 (vol. 2).

93 Dig. 48.18.1.7 (Ulp. 8 *de off. procons.*); translation by Watson 1985, 841–843 (vol. 4).



One who is manumitted by some guild or corporation or city, may summon the members as individuals; for he is not their freedman.<sup>94</sup>

This passage seems to compare slaves of guilds (*collegia*) to the slaves who belonged to the universality of citizens in a self-governing town (*civitas*). A similar juxtaposition is seen in Gaius' commentary *On the provincial edict* (also excerpted in the *Digest*):

*Quibus autem permissum est corpus habere collegii societatis sive cuiusque alterius eorum nomine, proprium est ad exemplum rei publicae habere res communes, arcam communem et actorem sive syndicum, per quem tamquam in re publica, quod communiter agi fierique oporteat, agatur fiat.*

Those permitted to form a corporate body consisting of a *collegium* or partnership or specifically one or the other of these have the right on the pattern of the State to have common property, a common treasury, and an attorney or syndic through whom, as in a State, what should be transacted and done in common is transacted and done.<sup>95</sup>

If *collegia*, like *res publicae*, had the right to own common property (*res communes*), then it is clear that – at least, from the Imperial period – the legal status of *collegia* in relation to non-members was modelled on that of the State and the cities.<sup>96</sup> As a result, slaves and freedmen of *collegia*: a) belonged to a corporate body equivalent to a community of citizens; b) were used for the common benefit of the guild and its members; and c) could be manumitted. As a result, slaves and freedmen of *collegia* can be classified as ‘public slaves’.

### 1.10 *Martiales* and *Venerii*: Slaves of the Gods, Not of the People

An interesting application of the perspective of public slavery is the case of the *Martiales* and the *Venerii*, two slave groups recorded by Cicero. *Martiales* and *Venerii* have been interpreted as public slaves, although this hypothesis has not been widely accepted.<sup>97</sup> The only reference to the *Martiales* is in a passage of the *Pro Cluentio*, Cicero's speech in defence of Aulus Cluentius Habitus Minor (66 BCE):

94 *Dig.* 2.4.10.4 (Ulp. 5 *ad ed.*); translation by Watson 1985, 46 (vol. 1).

95 *Dig.* 3.4.1.1 (Gai. 3 *ad ed. provinc.*); translation by Watson 1985, 96 (vol. 1).

96 Bonfante 1987, 57.

97 Eder 1980, 34; Pittia 2007, 71. *Contra* Martorana 1979, 80; Eppers – Heinen 1984; Weiss 2004, 138; Reduzzi Merola 2017, 279–280. There were also attempts to interpret them as ‘serfs’: cf. Haywood 1933; Scramuzza 1936.

[...] *Martiales quidam Larini appellabantur, ministri publici Martis atque ei deo veteribus institutis religionibusque Larinatum consecrati; quorum cum satis magnus numerus esset, cumque item, ut in Sicilia permulti Venerii sunt, sic illi Larini in Martis familia numerarentur, repente Oppianicus eos omnes liberos esse civesque Romanos coepit defendere.*

... There were at Larinum certain persons called *Martiales*, priests of Mars, dedicated to the service of the god by local regulations and religious ordinances of great antiquity. Their number was considerable: moreover, as is the case with the numerous *Venerii* in Sicily, those at Larinum were regarded as belonging to the household of the god. But despite this Oppianicus suddenly began to maintain the plea that they were free men and Roman citizens.<sup>98</sup>

This passage indicates four main features of the *Martiales*: a) they were priests (*ministri*) of Mars in Larinum; b) they represented a long-lasting – and pre-Roman – tradition; c) they were a large group of individuals; d) they were of servile condition, comparable to the *Venerii* attested in Sicily.<sup>99</sup> Cicero made this comparison explicitly, to describe their belonging to the *familia* of a god. This comparison could also be useful when seeking to better understand the legal status of such slaves. Indeed, there is much more information about the *Venerii* in Sicily than the *Martiales* in Larinum. Cicero mentions the *Venerii* several times in his orations against Verres, written in 70 BCE, a few years before the *Pro Cluentio*. The earliest and most significant reference to the *Venerii* is in the speech against Quintus Caecilius, pronounced during the selection process of a prosecutor of Gaius Verres:

[...] *Agonis quaedam est Lilybitana, liberta Veneris Erycinae, quae mulier ante hunc quaestorem copiosa plane et locuples fuit. Ab hac praefectus Antoni quidam symphonicos servos abducebat per iniuriam, quibus se in classe uti velle dicebat. Tum illa, ut mos in Sicilia est omnium Veneriorum et eorum qui a Venere se liberaverunt, ut praefecto illi religionem Veneris nomine obiceret, dixit et se et sua Veneris esse.*

... There is a certain woman of Lilybaeum, named Agonis, formerly a slave of Venus of Eryx. This woman, in the days before Caecilius was quaestor, had very considerable wealth and property. An admiral serving under Antonius wronged her by carrying off a number of her slave musicians, whom he said he required for service in the navy. She thereupon followed the regular practice of those Sicilians who belong to Venus, or who having belonged to her have since become free. She used the name of Venus to make the admiral afraid of committing sacrilege, and stated that she, and all that belonged to her, were the property of the goddess.<sup>100</sup>

98 Cic. *Cluent.* 43; translation by H. Grose Hodge from LCL 198 (1927).

99 Cf. also Moreau 1998.

100 Cic. *Div in Caec.* 55; translation by Leonard H. G. Greenwood from LCL 221 (1928).

This passage yields two important insights about the *Venerii*: a) they belonged to a deity, namely Venus; and b) they could be manumitted. Therefore, a major difference between these slaves and those normally regarded as ‘public slaves’ is that the *Venerii* – and presumably the *Martiales*, too – were not owned by the Roman people or the townsfolk of a municipality, but by a deity. All their belongings were the property of the god or the goddess, even after manumission. In other words, the *Venerii* can be interpreted as a sort of *ιερόδουλοι* – literally, ‘temple slaves’, from the Greek tradition.<sup>101</sup> This category included slaves who were the property of a temple but not of the cultic personnel. It also included people who were donated to the temple as slaves. Finally, there were also slaves who achieved partial or complete freedom via transference to a deity. The latter was referred to as ‘sacred manumission’.

Cicero provides useful information regarding the duties performed by the *Venerii*. In several passages, he states that Verres, the governor of Sicily, used them as attendants (*apparitores*) of tax-collectors or even as tax-farmers. Cicero compared the *Venerii* to, and explicitly designated them as, *publicani* (*novum genus publicanorum*).<sup>102</sup> In several passages, Cicero outlines their shameful deeds: acts of violence, thefts and robberies.<sup>103</sup> In general, Cicero’s attitude towards the *Venerii* is extremely critical, as they exemplified Verres’ dreadful administration in Sicily.<sup>104</sup>

With regard to the use of *Venerii* as tax-farmers, Cicero compares the *Venerii* in Sicily to the *servi publici* in Rome:

*Quid uero? A Tissensibus, perparva ac tenui civitate, sed aratoribus laboriosissimis frugalissimisque hominibus, nonne plus lucri nomine eripitur quam quantum omnino frumenti exararent? Ad quos tu decumanum Diognetum Venerium misisti, novum genus publicani. Cur hoc auctore non Romae quoque servi publici ad vectigalia accedunt?*

Now let us take the case of Tissa: a very small and poor community, though its people are honest men and industrious farmers. From them you took, as a so-called bonus, more than the whole amount of their harvest. The collector you sent to deal with them was Diognetus – a temple slave, a novelty in the tax-farming profession. With such support from Verres, why are the public slaves not taking up tax-farming here in Rome as well?<sup>105</sup>

Cicero’s question as to why public slaves were not involved in tax-farming in Rome was likely sarcastic, as no evidence suggests that public slaves performed these duties in Rome at that time. It probably seemed inconceivable that *servi publici* would be entrusted with tax-farming; public slaves would not have seemed suitable for carrying

101 Cf. also Eppers – Heinen 1984, 227–229; Reduzzi Merola 2017, 280.

102 Cic. Verr. 2.3.50; 2.3.61; 2.3.65; 2.3.75; 2.3.86; 2.3.89; 2.3.92; 2.3.183.

103 Cic. Verr. 2.3.92–93; 2.3.200.

104 Cic. Verr. 2.3.143. Cf. also Cels 1972.

105 Cic. Verr. 2.3.86.

out such an important and delicate task. By comparing *Venerii* with public slaves in Rome, Cicero seems to equate the two groups' reliability, or lack thereof. As will be seen in Chapter 6, other literary sources indicate that public slaves were not held in particularly high regard.

In trying attempting to describe a category of slaves with an 'impersonal' master like that of the *Venerii*, it is possible that Cicero could not find any suitable term of comparison other than public slaves. However, as discussed, the *servi publici* were slaves of the Roman people, whereas the *Venerii*, as ἱερόδουλοι, belonged to a deity. Public slaves were certainly subject to civil law and, as will be seen in Chapter 5, likely obtained full citizenship upon manumission. On the other hand, ἱερόδουλοι were sacred 'things' (*res sacrae*) and were therefore regulated by divine law (*divinum ius*).<sup>106</sup> Although some *Venerii*, like *Agonis*, were probably set free, it is difficult to imagine that they could have become Roman citizens. It was not a coincidence that controversy arose in Larinum when Oppianicus claimed that the *Martiales* were both freedmen and Roman citizens (Oppianicus likely intervened in an attempt to make the *Martiales* his clients).<sup>107</sup> Although *Martiales* could be manumitted, it is highly unlikely that they could obtain Roman citizenship. Consequently, the *Martiales* were not set free and continued to be excluded from the citizen body of Larinum.

Ultimately, both the *Martiales* and the *Venerii* were alien to Roman law, and it was probably difficult, even for Cicero himself, to bring them into a Roman framework.<sup>108</sup> Although Cicero drew a sort of analogy between *Venerii* and *servi publici*, we can safely conclude that neither *Venerii* nor *Martiales* could be considered 'public'.

106 Gai. *Inst.* 2.2–4.

107 Cf. also Deniaux 1983; Moreau 1998.

108 Cf. also Reduzzi Merola 2017, 280.

## 2. Public Slaves Across Time

### *A History of Roman Public Slavery*

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#### 2.1 Public Slaves in Rome between the Late 6<sup>th</sup> and 4<sup>th</sup> Centuries BCE?

According to a tradition preserved by Dionysius of Halicarnassus, public slavery would have existed in Rome since its earliest times.<sup>1</sup> When the legendary last king of Rome, Lucius Tarquinius Superbus, acquired the collection of prophetic texts known as the Sibylline Books, he would have entrusted two men of distinction (ἐπιφανεῖς ἄνδρες) from the citizenry with the task of guarding these texts. He would also have appointed two public slaves (δημόσιοι δούο) to assist these distinguished men (no. 1). According to Dionysius, this arrangement remained even after the expulsion of the kings from Rome. Two public slaves would have continued to act as servants to the two public priests in charge of the Sibylline Books (*duoviri sacris faciundis*) created by the newly instituted Republican State. At some point, the priestly college was increased to 10, and later 15 (*decemviri* and *quindecimviri sacris faciundis*). Dionysius reports that it was even forbidden to inspect the oracles in the absence of the two public slaves.

Dionysius spent many years in Rome in the Augustan period, and may have adapted the situation of his time to a more distant past. Christopher Pelling has suggested that the continuity between the regal period and the Republic in Dionysius' historical discourse might reflect the Augustan ideology.<sup>2</sup> The latter would have been obvious in the case of Dionysius discussing the quindecimviral college, of which Augustus was a member. This theory casts doubt on the authenticity of Dionysius' belief that this priestly college originated with the last king. The traditional priesthoods may have developed quite soon after the fall of the monarchy, and the Republican nature of public slavery as an institution also points in this direction.<sup>3</sup> If this were the case, the priests *sacris faciundis* may have had public slaves at their disposal since then. At any rate, these conflicting accounts call for caution; there is only evidence for public slaves assigned

1 Dion. Hal., *Ant. Rom.* 4.62.4–5.

2 Pelling 2018, 218.

3 On the issue of the problematic origins of the Roman religious institutions, which “reflected closely the ideas and institutions characteristics of the whole republican order”, see Beard *et al.* 1998, 54.

to these priests in Rome from the first century CE,<sup>4</sup> and this practice continued until a later time: an epigraphic source from the third century CE attests to a *publicus XV vir(um) s(acris) f(aciundis)* (no. 67).

Another reference to the existence of public slavery in early Rome can be found in the *Roman History* of Cassius Dio. A passage from the sixth book, attested by Zonaras' epitome and two Tzetzes' quotations, describes a triumphal procession that took place in 396 BCE to celebrate the victory of the Roman army – led by the general Marcus Furius Camillus – in the war against the Etruscan city of Veii. When describing the triumphant general mounting his chariot after these ceremonies, the text alludes to the presence of a public slave (no. 3):

οικέτης [...] δημόσιος ἐπ' αὐτοῦ παρωχεῖτο τοῦ ἄρματος, τὸν στέφανον τὸν τῶν λίθων τῶν χρυσοδέτων ὑπερανέχων αὐτοῦ, καὶ ἔλεγε πρὸς αὐτόν, “ὀπίσω βλέπε”.

A public slave [...] rode with the victor in the chariot itself, holding over him the crown of precious stones set in gold, and kept saying to him, “Look behind!”<sup>5</sup>

The act of crowning the victorious general became an important aspect of the triumphal ceremony in the centuries that followed, and remained important during the Principate.<sup>6</sup> It is worth noting that depictions of individuals crowning a triumphant commander, such as the one in the renowned ‘Tiberius Cup’ from Boscoreale, are the only certain iconographical evidence for public slaves in the Roman world.<sup>7</sup> This matter will be discussed in more detail in Chapter 3. From a historical standpoint, the only issue arising at this point is whether the notion of a public slave crowning a triumphant general was introduced at Marcus Camillus's time. One should note that Camillus's triumph is also narrated by Livy and Plutarch, who focus exclusively on the use of the chariot drawn by white horses, not on the possible presence of a public slave; after all, no general prior to Marcus Camillus had ever acted so irreverently.<sup>8</sup> Since the historical authenticity of accounts of Camillus' triumph is questionable,<sup>9</sup> one may also doubt the assertion that there was a public slave at his triumph.

Moving to the late fourth century BCE, certain passages from Livy and Valerius Maximus (writing in the Augustan and Tiberian ages, respectively) record a mysteri-

4 See nos. 29, 67, 89, 96, 115.

5 Cass. Dio 6 (Zonar. 7.21); cf. also Tzetz. *epist.* 107, p. 86; Tzetz. *Chil.* 13.51–52; translation by Earnest Cary from LCL 32 (1914).

6 Beard 2007, 85–92.

7 On this, see now Luciani 2019a, 44–45.

8 Livy 5.23.5–6; Plut. *Cam.* 7.1–2; Cass. Dio 52.13.3. Cf. also Diod. Sic. 14.117.6.

9 Beard 2007, 234–235. Cf. also Weinstock 1971, 71–75.

ous episode involving public slaves that allegedly occurred at that time.<sup>10</sup> In 312 BCE, the censor Appius Claudius Caecus surrendered to the *res publica* the control of the cult of Hercules at the so-called Ara Maxima, an altar in the Forum Boarium.<sup>11</sup> The ritual had previously been performed by two noble clans: the *Potitii*, who were the ministers of the Hercules cult, and the *Pinarii*.<sup>12</sup> Thereafter, Appius Claudius Caecus would have delegated it to two public slaves (no. 4). This evidence establishes a causal link between Appius Claudius Caecus' decision and his blindness, as well as the extinction of the *Potitii*. This legendary episode attests to a reform that aimed to assimilate the cult of Hercules into the Roman State religion, managed by public officials.<sup>13</sup> In the reconstituted cult of Hercules, public slaves may have had a less active role than the available sources suggest. They may have been attached as simple servants to a major magistrate, presumably the urban praetor (*praetor urbanus*), who had full charge of the cult.<sup>14</sup> In the first century BCE, the urban praetor had a special connection with the cult of Hercules: Varro records that the *praetor urbanus* sacrificed a heifer to Hercules every year.<sup>15</sup> Furthermore, a verse inscription on a marble altar from Rome mentions that the *praetor urbanus* Publius Catius Sabinus (consul in 216 CE) looked after the cult of Hercules at the Ara Maxima.<sup>16</sup> This inscription makes explicit reference to the *Potitii* who managed the cult of Hercules in a remote past, which suggests that the myth surrounding the story of 312 BCE persisted until at least the early third century CE. The reference also implies that the *praetor urbanus* played an important role in the annual administration of the cult of Hercules, at least in the late second and third centuries CE.<sup>17</sup>

It is difficult to know whether the administration of the cult of Hercules was entrusted to the praetors upon the institution of their office in 367 BCE, or in 312 BCE. It is also difficult to say who was in charge of the cult prior to that date.<sup>18</sup> It is even harder to determine whether public slaves took any role in this context since the late fourth century BCE. That *servi publici* were attached as servants to praetors in Rome at least

10 Livy 1.7.14; 9.29.9–11; 9.34.17–19; Val. Max. 1.1.17. Cf. also Dion. Hal., *Ant. Rom.* 1.40.4–5; Festus, p. 240, 270 (ed. Lindsay); Lactant. *Div. inst.* 2.7.15; [Aur. Vict.] *Orig.* 8.5; [Aur. Vict.] *De vir. ill.* 34.1.2; Serv. *Aen.* 8.179 and 269; Macrob. *Sat.* 3.6.13.

11 Cf. also Rüpke – Glock 2005, 878 no. 1172.

12 On the possible interpretations of these two groups, see Carcopino 1942, 197–206; Palmer 1965.

13 Bayet 1926, 248–274; Carcopino 1942, 205–206; Cassola 1962, 129; Biondo 1988; Humm 2005, 642–643; Muccigrosso 2006, 203; Torelli 2006, 585; Rüpke 2012, 107.

14 Halkin 1897, 52–53; Carcopino 1942, 205–206.

15 Varro, *Ling.* 6.54.

16 CIL VI, 313 = ILS 3402 = CLE 228 (third century CE): *Hercules Invicte Catius hoc tuo don[um libens] / numini sancto dicavit praetor urbis [- - -] / cum pia solemne mente rite fecisse[t sacrum] / tradidisti quod Potitis evandreo [saeculo] / administrandum quodannis hic ad a[ram maxim]am.*

17 See Várhelyi 2010, 97–99, with reference to other similar inscriptions. For a historical and topographical overview of the Ara Maxima, see Torelli 2006.

18 Carcopino 1942, 205 and Palmer 1965, 306 have suggested that the urban praetor replaced the *Pinarii* from 312 BCE onwards.

in the mid first century BCE is confirmed by a passage from Valerius Maximus' *Memorable Deeds and Sayings*. The passage tells the story of Sentius Saturninus Vetulo, who usurped the insignia of the praetorship (including a retinue of public slaves) when he heard he had been included among those proscribed by the Triumvirs in 43 BCE.<sup>19</sup>

The way in which Dionysius of Halicarnassus recorded the episode of 312 BCE may also be useful in this respect:

νῦν [...] οὐκέτι τοῖς γένεσι τούτοις ἢ περὶ τὰς ἱερουργίας ἐπιμέλεια ἀνάκειται, ἀλλὰ παῖδες ἐκ τοῦ δημοσίου ὠνητοὶ δρώσιν αὐτάς.

To-day [...] the superintendence of the sacrifices no longer devolves on these families [= *Potitii* and *Pinarii*], but slaves purchased with the public money perform them.<sup>20</sup>

The adverb of contemporaneity (νῦν) and the expression used to indicate the role played by public slaves (no. 4) in the cult both alludes to sacrifices to Hercules (δράω αὐτάς [*scil.* ἱερουργίας]). They also seem to suggest that public slaves were involved in such religious activity by the end of the Republican period (when Dionysius wrote his account). One can also infer that public slaves assisted with very practical matters. This implies that their role was different from the oversight function (ἐπιμέλεια) that was previously assigned to the *Potitii* and *Pinarii* (and later given to the urban praetor).

Taken as a whole, the evidence concerning the episode with Appius Claudius Caecus and the 'nationalization' of the cult of Hercules at the Ara Maxima suggests that a major branch of religious life was transferred from private to State control at some point in the late fourth century BCE. Since responsibility for the sacrifices was handed over the urban praetor, it seems plausible that some public slaves would have been tasked with assisting the magistrate during the performance of the rituals in Hercules' honour. This is not surprising. There is ample evidence of public slaves involved in religious practical activities under the Principate.<sup>21</sup> However, further evidence would undoubtedly be useful.

## 2.2 Towards a Consolidation of the Institution: Public Slaves in Rome under the Middle Republic

Other more reliable references to public slaves can be found with regard to events of the late third century BCE, on the occasion of the Second Punic War.

After the defeat of Cannae in 216 BCE, difficulties with recruiting new soldiers forced Rome to enlist slaves in the army. According to Livy, the Roman Senate ap-

19 Val. Max. 7.3.9. On this episode, see Pistellato 2015, 54–59. See also Chapter 3, Paragraph 3.1.1.2.

20 Dion. Hal., *Ant. Rom.* 1.40.5; translation by Earnest Cary from LCL 319 (1937).

21 See Chapter 3, Paragraph 3.2.



proved a proposal from Tiberius Sempronius Gracchus (master of the horse serving under the dictator Marcus Junius Pera) that 8,000 young and able-bodied private slaves – who would demonstrate their willingness to serve in the army – should be purchased with money from the public treasury and used in war.<sup>22</sup> Traditionally, such slaves were referred to as *volones*, “volunteers”. Valerius Maximus’ account of the same episode indicates that this matter was submitted to a popular election.<sup>23</sup> In 215 BCE, the units of *volones* were assigned to Tiberius Sempronius Gracchus, who had been elected consul that year.<sup>24</sup> In 214 BCE, before the battle of Beneventum, Tiberius Sempronius Gracchus promised that, with the consent of the other consul Marcus Claudius Marcellus and the entire Senate (which issued a decree), he would give freedom to those *volones* who would fight bravely.<sup>25</sup> After the victorious battle, such slaves were indeed manumitted by Tiberius Sempronius Gracchus in a public ceremony: they became freedmen through an official process of manumission, which involved two public magistrates and was submitted to the Senate’s authority.<sup>26</sup> The ceremony was followed by a great celebration, which was depicted in a fresco at the Temple of Liberty on the Aventine.<sup>27</sup> Since such slave recruits: 1) were purchased from private individuals at public expense; 2) were used in the interests of the Roman people; and, finally, 3) could be manumitted, they can safely be regarded as public slaves.

Livy asserts that Rome preferred to pay for these slaves and use them as soldiers, rather than redeeming prisoners of war at a lower price, for a simple reason: Rome did not want to provide Hannibal with money.<sup>28</sup> Furthermore, the recruitment of the *volones* proved to be a convenient way of securing military loyalty to (and political support for) a commander like Tiberius Sempronius Gracchus. Indeed, one could argue that the *volones* who had been under Tiberius Sempronius Gracchus’ command since 215 BCE – even during the winter breaks<sup>29</sup> – and had received freedom and citizenship from him in 214 BCE, played a significant role in his re-election in 213 BCE.<sup>30</sup> Livy acknowledges that the *volones* continued to serve in the army, and showed unwavering loyalty to Tiberius Sempronius Gracchus until he died in Lucania in 212 BCE.<sup>31</sup> At this point, the group of freed *volones* dispersed as if they had been discharged by the

22 Livy 22.57.11; 22.61.1–2; 23.32.1; 23.35.5–6; 24.14–16. See also Flor. 1.23; 1.30; Festus, p. 511 (ed. Lindsay); Serv. *Aen.* 9.547; Macrobi. *Sat.* 1.11.30–31. App. *Hann.* 7.27 refers to an immediate manumission of the 8,000 slaves.

23 Val. Max. 7.6.1; his figure of 24,000 slaves instead of Livy’s 8,000 seems too exaggerated.

24 Livy 23.32.1.

25 Livy 24.14.3–9.

26 Halkin 1897, 23–24; Toynbee 1965, 98; Castello 1989, 101, 106, 108.

27 Livy 24.16.6–19. See also Stewart 2012, 128–129.

28 Livy 22.57.12; 22.61.1–2.

29 Livy 23.35.5–6. See also Rosenstein 2004, 215 n. 122.

30 Cf. also Castello 1989, 115–116. See, however, Bleckmann 2011, 181, who excluded that “private armies and client soldiery” could have played a role in the political competition of the third century BCE.

31 Livy 25.20.4. Cf. also Bellomo 2019, 160.

death of their commander. Although they were chased and tracked down by Publius Cornelius Scipio, they were eventually disbanded without punishment.<sup>32</sup>

In 207 BCE, however, the *volones* were recalled and enrolled in the nineteenth and twentieth legions. They were presumably stationed in Etruria, firstly under the command of Gaius Terentius Varro, then of Marcus Livius Salinator.<sup>33</sup> The two legions of *volones* were still under Salinator's command in 205 and 204 BCE against Mago.<sup>34</sup> If these *volones* were the same ones that were enrolled in 215 BCE,<sup>35</sup> then they would have fought for around a decade – the first two years as (public) slaves, then as (public) freedmen – under the command of three of the most important and successful military leaders at that time: Tiberius Sempronius Gracchus, Gaius Terentius Varro, and Marcus Livius Salinator. Roberta Stewart has suggested that the *volones* showed their deference to the command of the State rather than to a personal commander.<sup>36</sup> Nevertheless, whether the *volones* of 207 BCE were the same as those of 215 BCE, their desertion in 212 BCE clearly demonstrates that they were tightly bound to the general who had proposed their manumission, rather than to the Senate (or, more abstractly, to the Roman State). As noted by Arnold J. Toynbee, after Tiberius Sempronius Gracchus's death, the *volones* probably felt as if they had been released from their military oath.<sup>37</sup> Therefore, a strong relationship with a single (and important) person such as a magistrate seems to have been very important for public slaves – like the *volones* – who had 'impersonal' masters.<sup>38</sup> Analogously, having loyal public freedmen as clients must have been beneficial for a magistrate too.

A few years later, after the conquest of the Spanish town of Nova Carthago in 210 BCE, the Roman policy happened to be the opposite of what was established after the defeat of Cannae. According to Polybius,<sup>39</sup> Scipio reviewed the ca. 10,000 prisoners of war he had captured during the campaign and divided them into three groups: a) the citizens, who were freed with immediate effect; b) 2,000 local craftsmen, who were declared "public slaves of Rome" (δημόσιοι τῆς Ρώμης) and employed as technical workers for the army, presumably as military engineers;<sup>40</sup> and c) the rest of the

32 Livy 25.20.4; 25.22.2–4. Cf. also Toynbee 1965, 68; Lazenby 1978, 113.

33 Livy 27.38.8–10; 28.10.11. Cf. also Lazenby 1978, 191, 296 n. 52; Castello 1989, 97–98; Stewart 2012, 127.

34 Livy 28.46.13; 29.5.9; 29.13.4. Cf. also Stewart 2012, 128.

35 See Toynbee 1965, 49, 68, 97, who thought that the *volones* enrolled in 207 BCE were in fact new recruits.

36 Stewart 2012, 128.

37 Cf. also Toynbee 1965, 98: "The volunteers looked to their leader to make their fortunes for them; [...] they seem to have regarded themselves as being Gracchus's personal freedmen and clients, not the Roman state's, [...] they felt and behaved as if they had been Gracchus's private army". On the oath of allegiance sworn by each newly enrolled soldier to the officer in charge, see Polyb. 6.21.1–2; 6.33.1.

38 Such an important issue is discussed in greater detail in Chapters 5 and 6.

39 Polyb. 10.17.9. Cf. also Walbank 1967, 216.

40 Cf. also Livy 26.47.