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# "They are our brothers": The development of human rights in Roman slavery

Jyll Taylor

In partial fulfillment of the requirement for graduation with honors

Southern Scholars Senior Project

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## Introduction

In the modern world, slavery is a word that conjures up ideas of abuse, neglect, and exploitation. What if it was not always that way? Through our understanding of the American slavery institution we have gained a skewed perspective on the slave systems of the past. Americans want, indeed need, to know that their beliefs are vindicated. From the beginning of our education we are taught to abhor the system and the people involved and we desperately cling to these ideas of brutality, cruelty, and neglect. While human rights are overshadowed by slavery, in ancient Rome the system did not contain the gloom attested to during American slavery.

The Romans were an undoubtedly cruel and brutal society. Civilization had made enormous progress, but at the height of the Roman Republic and the Roman Empire many of today's luxuries had never been imagined. The lives of the poor were wretched. Without much space and no labor saving devices or amenities such as we have today, they were constantly part of the mass of humanity that made up the great metropolis. The aristocrats, or patricians, sought to break out of the cycle of work and sleep that was only punctuated by the occasional holidays. However, these rich and elite citizens of Rome had no more access to the technology of today than did the poor. Their labor saving devices were the slaves they owned.

While all slaves throughout history have fought for freedom figuratively or literally, Roman slaves had two different approaches to slavery. On one hand, rural slaves such as the gladiator Spartacus violently opposed the system and were easily defeated and slaughtered by the army. On the other hand, the urban, and more successful slaves such as Cicero's secretary Tiro sought fair treatment and control of their own lives from inside the system. Still slaves, they became an integral part of the families they served.

Obviously, the humane and decent parts of Roman slavery are but one side of the coin.<sup>1</sup> Instead of hoping for history to flip the coin so it always lands with the bad side up, we must explore the other, less politically correct view. Why were slaves willing to stay with their owners? Was not freedom worth everything? Was it not necessary to risk life and limb to make a flight for freedom? Why did slaves not rise up as a whole and take back the control their numbers surely could have given them? Making any assumptions about the wishes and passions of the Roman slaves is difficult, but pushing them into our modern anti-slavery mold is impossible.<sup>2</sup>

Nevertheless, many households lived in peace with one another. Eventually the master might give freedom to the slaves that he favored. Although desired, freedom was not always the wish of the slave nor was it always the best choice given the circumstances of upper class Ancient Rome. Opportunities were available to the tranquil and cooperative slaves that were often not even open to the upper echelons of Roman society.

## Background

Urban Rome, although a small part of Italy, rose to overshadow the world.<sup>3</sup> According to many Latin writers, the city started with the migration of Aeneas from Troy. An alternate legend of the founding gives credit to Romulus and Remus, the twins raised by a wolf, for the city. No matter what the beginnings, Rome rose to dominance by the third century BCE. Through its dominance of other nations it became rich and through their strict traditions they stayed in power.<sup>4</sup>

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<sup>1</sup> Hopkins, Keith. "Novel Evidence for Roman Slavery" (*Past and Present* February 1993), 5.

<sup>2</sup> Finley, M. I. *Ancient Slavery and Modern Ideology*. (New York: Viking Penguin, 1980), 108.

<sup>3</sup> For readers without general background in the Classical world, any general information about ancient Rome included in this paper is can be referenced if desired in Adkins & Adkins' *Handbook to Life in Ancient Rome*, Jerome Carcopino's *Daily Life in Ancient Rome*, or any other book of Roman history.

<sup>4</sup> See Plate 1

The leaders of this world power were the patricians, a class of political and genealogical elite. While according to the laws of Rome anyone who made the income quota could join the Senate, the group was very exclusive.<sup>5</sup> Rome was originally a monarchy but the faults of the early kings led the citizens to revolt and reform the government into a republic that was ruled by annually changing consuls. These two men were chosen from among this patrician class.

The sheer wealth of the patricians made their lifestyle different and their slaves were faced with circumstances different from any other servile group. While conditions for urban slaves were similar throughout the Italian mainland, the slavery that existed in the patrician homes of Rome especially exhibited this tendency toward benevolence.

Throughout the Republic and the early Imperial eras, international slaves were brought to Rome in large numbers.<sup>6</sup> However, the ratio of educated slaves to non-educated ones was very high. The upper class homes would have prized slaves that originated in the Greek nations. These slaves were often better educated than their masters and were able to fill many responsible roles in the household. The skills that these slaves brought to the household made them a much more valuable commodity than the regular uneducated field hand or mineworker.

The origin of slaves also lends itself to the beginning of a trend toward better treatment. The word for slave, *servi*, is derived from the verb *preservare*, "to preserve". This is not an coincidental derivation. Roman slaves many times started out as prisoners of war. As such it

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<sup>5</sup> The people traditionally designated as patrician in ancient Rome were those belonging to the Famous Families. These families could, supposedly, trace their ancestry back to the founding of Rome. Towards the end of the republic, many times this was based more on wealth and political ability than on actual ancestry. However, every ten years or so, censors (senior Senate members who were elected by the Senate to keep the class at optimal levels) had the chance to throw out those they considered unworthy of senatorial or equestrian status. Equestrian status in today's idea of wealth would be about \$350,000, while senatorial status was about \$700,000. Considering that skilled labor such as carpentry paid about \$30 dollars a day and that buying power was much less (a day's wage could buy about two pizzas) the common Roman had no chance at nobility. Even if a person could prove to be worthy in an economic way, the censors could refuse that person access to a senatorial seat based on their involvement with trade, alleged public lewdness, or supposed sacrilege. In this way the group was very exclusive and only had to answer to itself except in times of extreme crisis.

<sup>6</sup> Strabo in Wiedemann, 110.

was the general's prerogative to kill them if he wished.<sup>7</sup> Sparing their lives and selling them instead of killing them preserved them.

Slaves were a diverse group in the city of Rome.<sup>8</sup> Not only were they from every known nation of the world, but also anyone could become a slave; patricians were not safe from slavery through debt bondage and the poorest doorkeeper could eventually gain freedom, wealth, or power. Slaves in general were *servi*, but they were also named according to their duties. The *delicati* were paramours, *concupinae* were concubines, *alumni*<sup>9</sup> were foster children, *actores* were agents, *legati* were messengers and the *pedisequae* were attendants.<sup>10</sup> The slaves represented the wealth and stature of a man, without them, he was simply rich. Eumolpus, a man who impersonated a wealthy Roman, said that the lack of slaves was what set him apart from the rest of the rich.<sup>11</sup> The political and social climate in the late republic and the early empire were instrumental in producing a benevolent system of slave treatment. The empire had defeated the nations that were pressing them from the north, the African province across the Mediterranean to the south had likewise been well conquered by Gaius Marius, and the provinces in Hispania, Gaul, and the Eastern Mediterranean were quiescent. Patrician Romans were able to spend more time at home and less time serving in the military. The country was generally wealthy and from the time of Sulla through to the beginnings of the official Christian Roman church Rome was building toward its climax.

<sup>7</sup> Florentinus, "Digest," in *Ideas of Slavery from Aristotle to Augustine*, ed. Peter Garnsey (New York: Cambridge University Press, 1996), 48.

<sup>8</sup> Fitzgerald, William. *Slavery and the Roman Imagination: Roman Literature and its Contexts* (New York: Cambridge University Press, 2000), 5. I have compared and contrasted my ideas against several the ideas of other classicists. The ideas discussed in those works are quite different from this paper, but I feel the need to allow the reader to see the similarity or difference between my work and that of earlier writers. In order to stay true to the literature of the period, the bulk of material I have introduced into my paper is information that can be found in ancient sources. The author's name is listed along with the original writer since I did not translate the passages myself.

<sup>9</sup> Cast off children were left to die if not acknowledged by their father(s). *Alumni* were often those who were picked up and raised as slaves.

<sup>10</sup> Fitzgerald, 5.

<sup>11</sup> Petronius, "Satyricon," in Fitzgerald, 5.

The mindset and attitude toward familiarity of masters in regard to their slaves progressed in a slow, steady way towards benevolence. These ideas were the forerunners of the ideas that Christian writers would adopt to deal with servile relationships. However, this paper will not take into account the writers of the Christian era or their influence.<sup>12</sup>

## Slavery in the Household

By having a close relationship within the *familia* and by virtue of the ideology, laws, and religion of Rome, slaves were able to obtain better treatment in the domestic society of Rome. Even the contemporary writers of the time recognized that a wise slave could gain control of his circumstances, especially in a subtle sort of way. According to an ex-slave, "If you serve wisely you will have some share in the master's role."<sup>13</sup> Due to the positions of trust they achieved they knew more of the domestic issues, politics, and relationships than anyone else involved with urban Rome. Instead of rebellious behavior and escape attempts, the domestic slaves lived peaceably with their masters and gained the rewards of this preferred behavior.

While the masses lived in apartment buildings that were susceptible to contagion and other kinds of dangers, slaves lived with their masters in the fashionable parts of Rome. Most patrician families lived on the Capitoline hill or the Palantine hill. While the size of the homes in which they lived varied, all were based on a square, atrium design.<sup>14</sup> The atrium was in the center of the house, open to the sky. The quarters for the family and slaves were located around the edges of the atrium with the rooms for slaves varying only in size from the rest of the *familia*.<sup>15</sup> Even in larger homes, the extra space was given to the atrium and the garden it would

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<sup>12</sup> Because of my background, I cannot look at Christianity as simply another philosophical construct. The idea of putting Stoicism or pagan ritualism on the same level is not something I am prepared to undertake at present.

<sup>13</sup> Publilius Syrus, "Maxims," in *Greek and Roman Slavery*, ed. Thomas Wiedemann (Baltimore: The Johns Hopkins University Press, 1981), 77.

<sup>14</sup> See Plate 2

<sup>15</sup> The *familia* was the smallest unit of Roman society. It included slaves and any other relatives living under the care of a single *paterfamilias*. This and all other Latin words can be referenced, if desired, to Casell's *Latin to English Dictionary*.



have contained, not to bigger and better living quarters for any member of the *familia*. Slaves lived in the same type of rooms in close quarters with their masters.<sup>16</sup>

In the intimate setting of a Roman household, not only blood relations, but also slaves were included in the *familia*. Similar to a nuclear family in modern society, it usually included related people that lived together. However, it differed in several ways. The head of the group was the *paterfamilias*.<sup>17</sup> The patriarch of the household was usually the father of the children and husband to the children's mother, but if that person was deceased the role went to the oldest male of blood relation. Everyone in the *domus* was subject to his will.<sup>18</sup> He had absolute authority over slaves, women, and children. Another difference between the modern family and the *familia* was the inclusion of slaves. It was common for the head of the household to treat slaves and children equally. Although male children eventually would come of age and carry on the *familia's* greatness, slaves and female children were a part of his responsibilities that remained completely subordinate to his will. As Statius wrote in his work *Silvae*, "Bringing children to birth is a necessity; choosing them is a pleasure"<sup>19</sup>. As these second-class, "chosen" or bought children, they were quite close to their masters.

The close proximity of slaves to masters also fostered a thorough understanding by slaves of the household associations. Slaves knew everything about the domestic relationships in their household. One of the most vital relationships was that of the husband, usually the *paterfamilias*, and his wife. Modern society has made the relationship between husband and wife a private, exclusive one. In the ancient society of Rome this relationship was neither private nor exclusive. Affairs were common, and confusion in genealogy was often present. It was not

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<sup>16</sup> See Plate 3

<sup>17</sup> The *paterfamilias* was the oldest male living in a *domus*. Even if younger than the female members of the *familia* he still was given ultimate legal control.

<sup>18</sup> The *domus* was the physical property belonging to the *paterfamilias*.

<sup>19</sup> Statius. "Silvae," in Fitzgerald, 53.

unheard of for the mistress of the house to bear a slave's child just as the female slaves bore the master's children.<sup>20</sup>

Most patrician females occupied themselves with reading, weaving, and shopping. Quite a bit of free time was available to them since slaves did the childcare, general cleaning, and cooking. Even though more free time was available, it is doubtful that the time would have been spent with a husband. When distance separated the two partners, slaves were their friends and confidants. The ultimate in selfish friendship was realized; befriending a slave meant no competition or compromise needed while peers required both.<sup>21</sup> Slaves not only understood the relationships of the patricians but even fulfilled the roles of husband and for lonely women at home or wife for lonely men on military campaigns (which led to the above mentioned genealogy problems). Slaves read, sang, or danced to keep their master amused.<sup>22</sup> While attending these duties they had considerable contact with the women and children of the *domus* and certain slaves would also have been very close to the men.

The body slaves of a male Roman were his constant companions. The only place in which they did not accompany him was the Senate.<sup>23</sup> His attendants protected him even though they had numerous occasions to kill their master while escorting him. Juvenal warns the walker to watch out for 'accidentally' falling pottery that could kill.<sup>24</sup> But many slaves led their master away from these and other dangers even though his death would mean their freedom. The first modern reaction to the idea of a slave saving his master voluntarily is one of skepticism "but

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<sup>20</sup> Fitzgerald, 52.

<sup>21</sup> Fitzgerald, 54.

<sup>22</sup> Seneca, "Letters," in Wiedemann, 126. According to the letter, a man named Calvisius Sabinus had his slaves memorize literature for him. One memorized all of Homer, one all of Hesiod, and nine memorized entire works by lyric poets.

<sup>23</sup> See Plate 4

<sup>24</sup> Juvenal, "Satires," in Shelton, 70.

anyone who denies that a slave may sometimes do his master a good turn is ignorant of human law."<sup>25</sup>

Slaves that were highly trained were often brought into the house to provide a special service to the master. Cooks, dancers, readers, secretaries, and physicians were always 'on-call' to their masters. These slaves were in the best situation to promote their talents and gain better treatment. Some of these slave secretaries acted as advisors for the emperors. One who attended the emperor Claudius was an Arcadian named Pallas. Pallas even authored part of the legislation that Claudius put to the Senate. With regard to one law that was passed regarding slaves marrying free women, the Senate voted him thanks, praetorian rank, and a gift of fifteen million sesterces. Claudius allowed the rank and the Senate's honor, but withheld the money.<sup>26</sup> Claudius was not afraid to allow Rome to know that he valued the advice of a slave.

Slaves did everything that required specialized skill. Pliny said, "We walk with another's feet, read with another's eyes, greet with another's memory, live with alien performance. Natural things have lost their value, and with them the substance of life is lost."<sup>27</sup> The only ones who actually experienced life were those who should have existed to allow another to experience life. This dependence on the facilities of others further tightened the bonds between slave and free.

Not only patrician men but also women were closely attached to their slaves. Most men assigned a slave or two to follow their wife around for their protection. While these slaves were subject to the woman's will, they also had her in the palm of their hands. If a master suspected that his wife was having an affair, slaves could clear her name, confirm her infidelity, or fabricate an affair even if nothing had happened.<sup>28</sup> If a master obtained what he considered

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<sup>25</sup> Seneca, "On Benefits," in Wiedemann, 237.

<sup>26</sup> Tacitus, "Annals," in Wiedemann, 166.

<sup>27</sup> Pliny, "Natural History," in Wiedemann, 73.

<sup>28</sup> See Plate 5

reliable evidence of marital infidelity, he could return his wife to her family without her dowry.<sup>29</sup> The threat of discovery was only a problem for those wives who did not live in accordance with the ancient custom of womanly virtue. The women of the family acted as surrogate mothers or sisters to the slaves and were often treated equally. Just as the master could assault a slave, so could he also assault his wife. The society of Rome was no more surprised at the murder of Egnatius Mecenius' wife than they would have been at the murder of a slave.<sup>30</sup>

A modern author, Hopkins argues that a slave was more knowledgeable about a man than his wife was and did not have the appreciation that a wife would have.<sup>31</sup> This does not take into account the idea that an arranged marriage wife might not have tender feelings for her husband and 'master' either. A slave who was dependent on a master for his reality and identity would have more cause to cherish his master than a patrician wife would to cherish her husband.

The wish for the approval of superiors may have also influenced the benevolence of the Roman master. When one's own household order was not at risk it was popular to plead leniency for someone else's slave. While beating a slave was considered normal and matter of fact, many times slaves could engineer an escape by provoking his master in public and then falling on the mercy of one who was higher in rank than his master. Stories in antiquity always show the master as evil and the punishments that slaves eventually escaped from as horrific, but the additional crimes of the slave may not have been known. Seneca addresses an event in *De Ira* that shows how this situation often worked.<sup>32</sup> A slave of the knight Vedius Pollio breaks a priceless piece of crystal, and Pollio immediately orders him dumped into the lamprey pool as bait. The slave threw himself at the feet of the emperor to beg for mercy. The emperor,

<sup>29</sup> Oxyrhynchus papyrus, "A Wife's Complaint," in *Women's Life in Greece and Rome: A source book in translation*, ed. Mary Lefkowitz and Maureen Fant (Baltimore: Johns Hopkins University Press, 1992), 127.

<sup>30</sup> Valerius Maximus, "Memorable Deeds and Words," in Shelton, 48. Mecenius' beat his wife to death because she had been drinking.

<sup>31</sup> Hopkins, 22.

<sup>32</sup> Seneca, "De Ira," in Fitzgerald, 56.

Augustus, horrified at the command, took the slave's side, smashed his own piece of glassware, and ordered the rest of the crystal smashed and the pool filled in. What the slave may have done earlier is not discussed, but it seems that Pollio was not a master that believed in lenience under any circumstances.<sup>33</sup> However, the punishment was averted and Pollio could only stand by helplessly. Pollio could not punish the slave for what the emperor had also done.

The basis for all of the good will and familiarity is likely based in the childhood of Roman patricians. Romans were peculiar in their desire for children and then in their lack of direct care of them as they grew up. From the beginning of patrician children's lives, they were surrounded by slaves. Even though it was expected that children be raised with Roman virtues and in Roman traditions, the first influence on a child was that of a slave.<sup>34</sup> Once again the poet Martial spoke out about slaves, saying that his *paedagogue*, Charidemas, tyrannized his life.<sup>35</sup> Martial's other slaves submitted to his authority and Martial himself often gave Charidemas the upper hand in his youth.<sup>36</sup> Slaves were given authority even in raising the future Emperor Nero. His household as a child consisted of two *paedagogi*, a dancer, and a hairdresser with only one other aristocrat, his aunt Lepida.<sup>37</sup> The Romans recognized the power of the *paedagogue* over the heroes of the past. Pliny tells his Roman Grecophile readers how even the ruler of one of the world's largest empires was himself ruled by his teacher. Alexander the Great, the future conqueror, was chastised for using too much incense. His teacher, jokingly, told him that he would need to conquer the world to be able to afford to use that amount of offering. When he reached Arabia, he sent back a boat full of incense to the teacher, Leonides, and told him to

<sup>33</sup> Pliny the Elder, "Natural History," in Shelton, 177.

<sup>34</sup> Quintilian, "The Elements of Oratory," in Shelton, 32.

<sup>35</sup> A *paedagogue* was a teacher that taught basic education to male and sometimes female children before the females married and the males progressed on to the instruction of a *rhetor* who taught rhetoric and public speaking. The *paedagogue* would have remained with his charge through young adulthood and occasionally beyond.

<sup>36</sup> Martial, "Epigrams," in Shelton, 33.

<sup>37</sup> Suetonius, "Nero," in *The Roman Household: A Sourcebook*, ed. Jane Gardner and Thomas Wiedemann (New York: Routledge Press, 1998), 108.

worship freely.<sup>38</sup> Slave associations with the aristocracy began with childhood familiarity and continued throughout life.

## Philosophy and Punishment

Not only did being an intimate part of the family help slaves, but also the associations that their masters had with other patricians were in their favor. Romans loved to censure each other's behavior in public and private. While at certain times a show of unreasonable cruelty to a slave went without comment, many times the master's fear of seeming uncontrolled stayed his wrath. Those who were unable to deal justly with their slaves were ridiculed as in this epigram from Martial: "You say, Rufus, that your rabbit has not been cooked well, and you call for your whip. You prefer to cut up your cook, rather than your rabbit."<sup>39</sup> Harsh criticism of a peer's behavior seems to be a common theme. While writers are not surprised at the behavior they describe, the tone they use conveys contempt for an owner that must stoop to such violence to get results. Juvenal, the Roman satirist, mocks a woman who has her slaves whipped in her presence to insure a thorough punishment. Juvenal says that even unpreventable situations, such as her husband's exhaustion, cause her to have his secretary flogged.<sup>40</sup> The strongest decree with regard to the treatment of slaves came from the Emperor Claudius: "All who [were] abandoned... were to be free... if anyone preferred to kill a slave rather than abandon him, he was to be liable to a charge of murder."<sup>41</sup> While this did not keep others from abusing their slaves, it seems to indicate that doing so was not a Roman virtue. The Roman ideal was more along these lines: "A diligent master investigates the quality of his slaves' food and drink by tasting it

<sup>38</sup> Pliny the Elder, "Natural History," in Wiedemann, 126.

<sup>39</sup> Martial, "Epigrams," in Shelton, 177.

<sup>40</sup> Juvenal, "Satires," in Shelton, 177.

himself, he examines their clothing, hand-coverings and foot-coverings, he should even grant them the opportunity of registering complaints against those who have harmed them either through cruelty or dishonesty.”<sup>42</sup>

The Romans were by no means a kindly people. Stories of violence against slaves far outweigh accounts of praise or other rewards given. Slaves were liable to individual pain as well as mass punishment under the law. The master had control of his slave as property and the slave as a commodity was unable to avoid the inevitable abuse such a low status facilitated. One slave lost his eye when the emperor stabbed him with a pen. The action was unwarranted and eventually the ruler felt guilty for the damage he inflicted. The slave did not want fame or fortune, he simply wanted to be treated fairly or left alone. His answer to the emperor’s offer of recompense was simply to request his eye back.<sup>43</sup> However, the Romans were not above performing to the letter of the law. The law stated that if any member of the ranks of slaves in a household murdered the master, all the slaves should be crucified. In the case of Pedanius, 400 were crucified along the one of the major roadways because one slave stabbed Pedanius while in the baths.<sup>44</sup>

The doctor Galen believed that striking out at a slave and allowing anger to control was a disease of the mind. He theorized that by never actually hitting a slave with one’s own hand, one kept anger from taking control and hands from becoming bruised.<sup>45</sup> This was not an injunction to forego punishment of slaves altogether. However, intentionally or not, delaying punishment (e.g. not hitting on impulse with one’s own hand) prevented damage to the body of piece of property as well as the master’s body.

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<sup>41</sup> Suetonius, "Claudius" in Wiedemann, 184.

<sup>42</sup> Columella, "On Agriculture," in Shelton, 172.

<sup>43</sup> Galen, "The Diseases of the Mind," in Wiedemann, 180.

<sup>44</sup> Tacitus, "Annals," in *As the Romans did*, ed. Jo-Ann Shelton (New York: Oxford University Press, 1988), 178.

<sup>45</sup> Galen, "The Diseases of the Mind" in Wiedemann, 180.



Another idea that arose from practical advice was that "master and slave are equal in nature and that a slave's value ought not to be judged by the kind of work he does but by his character."<sup>46</sup> The ancient sources could not agree on what the true nature of slavery was. However, Seneca states best the creed of benevolent Roman slave owners: "Only the body is at the mercy and disposition of a master. The mind, however, is its own master."<sup>47</sup>

A common philosophy of Romans, Stoicism, was also in the slaves' favor. Cicero voiced the Stoic belief that "the mere fact of their common humanity requires that one human should feel another man to be akin to him."<sup>48</sup> While Cicero's idea came from earlier Greek philosophers, it is no less his own. He and his family's affection for Tiro is evident in any number of letters to friends and family.<sup>49</sup> Another idea about deferring to slaves comes from Seneca: "Why do I have to punish my slave?... am I not to forgive someone for being lazy or careless or talkative?"<sup>50</sup>

## Religion and Law

Even if the master was not a Stoic, slaves had opportunity to speak their minds in December.<sup>51</sup> In December the annual festival of Saturnalia, one of the many religious holidays, took place.<sup>52</sup> During the feast an inversion of social relationship occurred. The slaves were given gifts, they were not required to work, and most importantly, masters served the slaves.<sup>53</sup> If they had a severe grievance with their treatment, they had the ability to speak about it during the holiday. Even if their behavior on the days before and after Saturnalia was strictly prescribed

<sup>46</sup> Vogt, Joseph. *Ancient Slavery and the Ideal of Man*. (Cambridge: Harvard University Press: 1975), 118.

<sup>47</sup> Seneca, "De Beneficiis," in Wiedemann, 237.

<sup>48</sup> Cicero, "De finibus," in Garnsey, 143.

<sup>49</sup> Cicero, "Correspondence with Family and Friends," in Shelton, 125. Tiro, Marcus Tullius Cicero's secretary, was a well-educated slave that was a part of the lives of the *familia* Tullia for many years.

<sup>50</sup> Seneca, "De Ira," in Wiedemann, 180. (The rest of the quote continues: "If he's a child, his age should excuse him, if female, her sex, if he doesn't belong to me, his independence, and if he does belong to my household, the ties of family.")

<sup>51</sup> Horace, "Satires," in Fitzgerald, 20.

<sup>52</sup> The feast of Saturnalia eventually was incorporated into the celebration of Christmas.

<sup>53</sup> Seneca, "Letters," in Wiedemann, 129.



they were allowed the day to say what they needed or wanted to say to their masters. Due to ancient tradition, slave owners were obliged to listen without punishing. In a work from Juvenal, the slave is even urged by his master to "use the license December allows, since our ancestors wanted it that way. Speak up!"<sup>54</sup> Saturnalia did not only loosen the slaves' tongues, it loosened their inhibitions as well. Slaves were able to gather, to socialize, and to waste time without fear of chastisement. As the social mores of Rome relaxed, slaves were able to behave this way on a more regular basis causing one Roman to remark that "[the time surrounding Saturnalia] used to be a month; now it's a whole year."<sup>55</sup>

Whether the festival of Saturnalia gave slaves license on one day or many, other festivals catered to them in other parts of the year as well. Two other festivals the Matronalia and the Compitalia were times when the traditional behavior of Romans was on the side of slaves. At Matronalia, mistresses served their slaves. At the Compitalia, their signs of servitude were removed. Since the slaves were not distinguished in their apparel from anyone but the senators, the signs of servitude could not have meant clothing.<sup>56</sup> The most obvious sign of a slaves' servitude was his attendance on his master. The slave would have had a day off from the constant demands made by members of the household.

These festivals were an integral part of the government that made Rome work. The same men who wrote the laws that the people lived by administered the religion of Rome. The official state business could not be conducted without the surety that religion provided for the superstitious Romans. Religion relied just as heavily upon the government. By the time of Caesar, elections were held to determine who would fill the priests roles.

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<sup>54</sup> Fitzgerald, 20.

<sup>55</sup> Shelton, 436f.

<sup>56</sup> Appian, "Roman Civil Wars," in Wiedemann, 69.

Although slaves were thought to be natural liars because of their rank, their testimony would stand in a court of law.<sup>57</sup> If a slave owner committed a crime while in the company of his slaves he immediately began bribing them to keep the act secret.<sup>58</sup> Romans knew that their slaves were their worse enemy if they treated them badly. If a man allowed his slaves freedom to talk and to have their own way on occasion, he could be sure of their loyalty if called to testify, even under torture.<sup>59</sup> However, if abuse was constant, the slaves might give them up to their accusers. Eventually, the admission of evidence from a slave was only considered if no other source could be found.

It is more important to see how the laws treated slaves rather than how slaves helped the enforcement of the laws regarding the trials of others. The most important piece of evidence is found in a Digest of Laws, which states that "slaves are considered non-entities. However, this belief is not valid under natural law because according to the law of nature, all men are equal."<sup>60</sup> The protection of slaves under the law was not a popular subject for the jurists of Rome. However, some provision was made even early on to insure that they were not used as sheer meat and bone. Modestinus recalls a earlier law in one of the Digests that regards slaves in the arena. Slaves were not to be bought for the express purpose of throwing them to wild beasts.<sup>61</sup> Execution by digestion was a fate reserved for non-citizens and those who committed sacrilege. Slaves were not kept from the beasts in the circus but the courts required their masters to provide adequate reason for that type of punishment.

As the trend toward benevolence continued, edicts regarding general cruelty were publicized. The power of the *paterfamilias* was still held sacrosanct, but measures were

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<sup>57</sup> "Digest: Torturing Slaves," in Wiedemann, 168.

<sup>58</sup> Cicero, "Speech in Defense of Milo," in Shelton, 193.

<sup>59</sup> Seneca, "Letters," in Wiedemann, 240.

<sup>60</sup> Ulpian, "Digest of Laws," in Shelton, 189.

<sup>61</sup> Modestinus, "Digest," in Garnsey, 90.

introduced to protect slaves from undue abuse.<sup>62</sup> Ulpian does not describe the reaction of the Romans to the edict. However, protecting a valuable commodity from the threat of cruelty appeals distinctly to the thrifty Romans held dear.

The ultimate in slavery legislation was the result of the Theodosian Code in the late 4<sup>th</sup> century AD. The past cruelties of the Romans are spurned by the move towards conscientiousness. The code calls for considerate treatment of slaves and especially focuses on the necessity for the integrity of the slave family to be kept intact.<sup>63</sup>

## Conclusion

It is not too much of a stretch to determine why the masters would have wanted to promote better behavior in slaves. Even with the ways in which slaves were treated well (as discussed above), it is still difficult to understand why the slaves would have wanted to stay dependent. The philosophers of ancient Greece believed that man is by nature a slave or by nature free and so his destiny in life is fixed. With no way in which to improve the circumstances which fate has bestowed, *carpe diem* is the only answer.<sup>64</sup> But, the capitalist realm of Rome showed that a man could become free or wealthy just as he could become a slave or poor. The realization was that while some were condemned to lifelong slavery, that slavery was an institution created by man, not something innate defined by geography, skin color, or sex. A writer refutes Aristotle's idea of the natural law by pointing out that "the deity gave liberty to all men and nature created no one a slave."<sup>65</sup>

One reason for slave cooperation with the slave institution was fear of the unknown. In a world with few maps and no rapid transportation it would have been difficult for the average slave to discover and return to their origin. If enslaved as a child they might have no recollection

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<sup>62</sup> For this idea I am indebted to the unpublished lectures of Dr. Jan Haluska.

<sup>63</sup> Gardner, 44.

<sup>64</sup> Ulpian, "De officiis proconsulis" in Garnsey 91.

<sup>65</sup> Alkidamas, "Rhetorica," Garnsey, 75.

of their previous home. Also, many slaves in the empire were the descendents of slaves and had never even been outside of Rome. Phaedrus expresses an allegory of the feelings of slaves in this story: [An old man tries to convince an ass to escape capture by a group of enemy soldiers], but the ass, unmoved, asked "Do you think that the victorious soldiers will load me with two packs?". The old man said no. "Then", said the ass, "what difference does it make to me, so long as I carry only one load?".<sup>66</sup>

The second and more probable reason was the need for a sense of belonging. Slaves were lacking in three areas that defined them as a slave: they had no web of kinship to fall back on; they were stripped of their social identity; and they were denied the opportunity to form new kin-bonds or a new identity.<sup>67</sup> The slave reflects the power and identity of the master due to the "new ties [and] new psychological attachments" that are formed.<sup>68</sup>

All of these factors brought slave and master closer together. The masters felt that the better the treatment slaves received, the better the service they rendered. The ancient theory of 'better treatment, better service' is supported by the modern theory of ancient social control: "To secure social stability, slave owners granted various incentives and rewards (to their slaves)."<sup>69</sup>

Whether slaves were treated well because of their value or because of their humanity, it is enough to know that they were at times treated kindly, even humanely. I do not seek to persuade the reader to restart a system of slavery. The bad vastly outweighed the good, if it can be termed good at all. Although Roman brutality existed the benevolent tendencies of the

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<sup>66</sup> Hopkins, 13.

<sup>67</sup> Garnsey, 1.

<sup>68</sup> Finley, M. I. *Ancient Slavery and Modern Ideology*. (New York: Viking Penguin, 1980), 104. cf. *Ibid.*, 108. These reasons are very probable, but the sparseness of the literary record must be taken into account. The writings of Romans created 2,000 years ago may have comprised a much greater body of work that is not even represented by the extant documents. Deducing the conditions and ideals of slaves from that literature is both tedious and subject to interpretation

<sup>69</sup> Bradley, K.R. *Slaves and Masters in the Roman Empire: A Study in Social Control* (New York: Oxford University Press, 1987), 45.

patricians and the predilection for slaves to stay with their *familia* as a loyal member of the household are evident.

The familiarity of the Romans with their slaves and the popular ideologies provided benefits to the slaves that are not initially obvious. The law and religion of the greatest government in the ancient world began to protect them and allow their rights as human to transcend the institution. While the people of the ancient world exploited and abused, and the ancient governments often neglected those most in need, what must rise above these facts is the recognition of a movement towards benevolence and human rights. "They are fellow human beings!" "They are just slaves." "In fact they are our fellow slaves, if you stop to consider."<sup>70</sup>

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<sup>70</sup> Seneca the Younger, "Letters," in Shelton, 186.



## Plate 1

Bernardo Daddi (engraver)

Italian, 1512 -

*The Triumph of Scipio, after Raphael (?), 16th century*

Engraving

19.9 x 24.8 cm (image) inches

Achenbach Foundation for Graphic Arts

1963.30.2866





Plate 2

Interior of Pompeian *Domus*



### Plate 3

Slaves' Quarters in Pompeii





Plate 4

Slaves attending at a banquet  
Pen and Ink of original sculpture  
British Museum



## Plate 5

Giovanni Battista Franco

*Roman Warrior Offering His Hand to a Young Woman, from the antique, 16th century*

Engraving

21.1 x 16.6 cm (image) inches

Achenbach Foundation for Graphic Arts

1963.30.36645

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## Bibliographic Essay

In my quest to understand the slavery institutions of Rome, I discovered what I believe to be an oversight. The triumph of good in the nature of a select group of men is untouched. Slave masters are only bad and slaves are only given the short end of the stick. The black and whiteness of those statements always rankled. The somewhat deliberate and always effective good will of the patrician class toward their own slaves is a slippery slope to climb. The theory that slave owners can possess some sense of humanity is not a popular idea. Some excellent tools for climbing that ice-encrusted cliff (or at least prevent falling) can be found on the campus of Southern Adventist University. *Slavery and the Roman Literary Imagination* (2000) is an excellent beginning source. The author, William Fitzgerald, quickly throws the reader into the arena of Roman Literature. His book not only introduces the researcher to the literature, but to the language as well, listing much of the primary readings in Latin.

However, he does not include all the available sources on slavery. To find an almost exhaustive listing of excerpts from a plethora of Roman writers, consult Thomas Wiedemann's *Greek and Roman Slavery* (1981). The sourcebook is organized loosely by topic and each reading is introduced with a short opinion from the compiler on each.

However, anyone looking for an excellent source for all things Roman cannot do better than Jo-Ann Shelton's *As the Romans Did* (1988). This compilation gives readings that pertain to everything from slaves to religion and from food to war strategy.

The books mentioned above are all full of primary reading, but I needed to know that I was not alone in my theories. The books *Ancient Slavery and Modern Ideology* (1999) by Garnsey, *Slavery One* (1970) by Meltzer, and *Slaves and Masters in the Roman Empire* (1987) by Bradley are great secondary sources for general information on the institution of slavery.

I was extremely challenged when attempting to find useful material in the periodicals section. Our library had no pertinent materials and a trip to Emory University proved to be just as fruitless. However, at the University of Tennessee, Chattanooga Library I had more luck with journals. One article from the magazine *Past and Present* entitled "Novel Evidence for Roman Slavery" was of some use regarding the relationship of disobedient slaves to their owners.

My original emphasis was on the idea that slaves could, to a certain extent, control their masters. However, I found myself pre-empted by a book by Joseph Vogt entitled *Ancient Slavery and the Ideal of Man* (1975). My change of focus was not impossible, but was difficult to the eleventh-hour nature of the change. Luckily, all the texts I have discussed were part of the research for the original topic.

My advice to anyone else trying to write a paper on Roman society is to start by familiarizing oneself with the primary documents located in sourcebooks. Seneca is the leading writer on the benevolent attitude slave owners should have towards their slaves. After spending time contemplating these original writings, one should then check the theories that came to mind against the other scholars in the field.

## Laus

Primum et primoris, ego quero gratias agere mihi matris. Eae credet meō et sine eas hic tabellae sit nihil.

Quero gratias agere mihi sororis audiento meō.

Quero gratias agere mihi conphilologis. Unus in praecipuus, appellatur 'obscurus', adduxit nihil sed lumen.

Gratias meritis est pro Benjamin McArthur, Jan Haluska, et Michael Hasel.

SOUTHERN SCHOLARS SENIOR PROJECT

Name: Jyll Taylor Date: 12/12/02 Major: Archaeology

SENIOR PROJECT

A significant scholarly project, involving research, writing, or special performance, appropriate to the major in question, is ordinarily completed the senior year. The project is expected to be of sufficiently high quality to warrant a grade of A and to justify public presentation.

Under the guidance of a faculty advisor, the Senior Project should be an original work, should use primary sources when applicable, should have a table of contents and works cited page, should give convincing evidence to support a strong thesis, and should use the methods and writing style appropriate to the discipline.

The completed project, to be turned in in duplicate, must be approved by the Honors Committee in consultation with the student's supervising professor three weeks prior to graduation. Please include the advisor's name on the title page. The 2-3 hours of credit for this project is done as directed study or in a research class.

Keeping in mind the above senior project description, please describe in as much detail as you can the project you will undertake. You may attach a separate sheet if you wish:

*Thesis: Humanism increased in Roman slavery during the course of the republic/empire.*

*Discussion of the institution and repercussions of Roman slavery. special emphasis placed on the writing of Seneca. Other primary sources quoted when applicable*

*American institution of slavery + Nazi concentration camp mentality used as comparison and contrast.*

Signature of faculty advisor [Signature] Expected date of completion Feb. 28, 2002

Approval to be signed by faculty advisor when completed:

This project has been completed as planned: ✓

This in an "A" project: ✓

This project is worth 2-3 hours of credit: ✓

Advisor's Final Signature [Signature]

Chair, Honors Committee \_\_\_\_\_ Date Approved: \_\_\_\_\_

Dear Advisor, please write your final evaluation on the project on the reverse side of this page. Comment on the characteristics that make this "A" quality work.

## COMMENTS ON JYLL TAYLOR'S HONOR PROJECT

Jyll Taylor's honor project was originally written for Research Methods under Dr. Ben McArthur, although Jyll also worked closely with me during that time and subsequently incorporated his suggestions and mine. This topic, like so many others is rather broad and could easily be longer and more detailed, but Jyll has used both the primary and secondary sources available to address the research problem. Her thesis is that there was a progressive movement toward the humane treatment of slaves during the period of the republic and into the empire. This thesis was defended by appealing to the social structure of the *familia* in ancient Rome as well as certain religious beliefs and juridical practices.

On the other hand, she does balance the picture by indicating the cruelty of the Romans in a number of instances. Jyll writes very well but has admitted having a hard time with transitions. There might have been more work on presentation and logical flow, but I believe that she has worked to minimize some of these deficiencies. Her use of the primary and secondary sources was adequate and as a result I have no hesitation in recommending this to the Honors committee for consideration. I believe this research certainly qualifies as an "A" paper and Jyll has worked hard on the research and suggested modifications.

Michael G. Hasel

Institute of Archaeology/School of Religion