

CHAPTER 9

THE TREATMENT OF SLAVES: CRUELTY, EXPLOITATION AND PROTECTION

177.

Lysias 4: Speech about a Premeditated Wounding

A result of the Greek and Roman tendency to see free men and slaves as distinct and exclusive status groups was that punishments prescribed by law for slaves were of a different degree of severity to those for free men (see No. 7 above).

One of the most horrifying aspects of this is the frequency of references to the interrogation of slaves under torture (see No. 54, Ch. 16; Achilles Tatius, 8, 10.2). In this speech, an Athenian accused of wounding the joint owner of a slave concubine has no reservations about suggesting that she should be interrogated about the affray, and attacks his rival's qualms about torturing the girl he loves as absurd.

(12) So all these arguments and witnesses have shown you, Councillors, that there was no premeditation and that I have done nothing wrong. And I think that just as it would have been an indication that *he* was telling the truth if *I* had refused to accept an interrogation, so in the same way the fact that *he* didn't want the woman to be tortured to give evidence should be an indication that *I* am not lying, and his assertion that she is free should not be believed. I am just as much concerned in the question of whether she is free, since I paid half the money for her. (13) In fact he is lying, and not telling the truth at all. It would be monstrous if I could do what I wanted with her in order to ransom myself from the enemy, but now I cannot even ask her to tell the truth about the reasons why this trial has come about, although I am in danger of suffering the penalty of exile. On the contrary, it would be much more just to allow her to be interrogated in this case than to have her sold to provide money to ransom me back from the enemy, since there are other sources for obtaining money for a ransom if the enemy are prepared to accept one, but there is no other way of escaping private enemies—for they don't want money, but are trying to expel one from one's country. (14) So you should not listen to his plea that the woman should not be tortured, alleging that she is free; on the contrary, you should condemn him for fabricating baseless accusations, since his intention in refusing such a clear test was simply to deceive you. (15) You

should not consider his challenge more worthy to be believed than ours, when he proposed that his own slaves should be interrogated under torture. What they know is that we went to see him, and we all accept that—but the woman knows better than they whether we had been invited or not, and whether I was hit first, or struck him. (16) And if we had tortured his slaves, then because they are his property alone they would have been stupid enough to try to please him and tell lies about me. But the woman belonged to us in common, since we had both paid the same amount of money, and she knew that very well, since everything that has happened between us was because of her. (17) And no one will fail to notice that if she were interrogated under torture, it would put me at a disadvantage—yet I'm prepared to risk this; for she clearly cared a great deal more for him than for me, and she has associated herself with him in doing me wrong, but has never ever joined me to offend him. Yet I have turned to her for help, while he has not been prepared to trust her.

178.

Digest 48, 18: 'Torturing Slaves'; 1: Ulpian, from The Responsibilities of Proconsuls, book 8

The Romans were perfectly aware that torturing someone was a serious matter, and should only be used where it was necessary and might bring useful results.

Interrogation is the usual method to bring out the truth about a criminal accusation. But we must consider under what circumstances and to what extent this should be done. That one should not use torture as a first step, and that this is not the way to give an interrogation the element of certainty, was both decreed in a Constitution of the Divine Emperor Augustus, and is stated in a letter of the Divine Emperor Hadrian to Sennius Sabinus. (1) This is the text of the rescript:

Torture against slaves should be employed as the last resort, at a point when someone is suspected of having committed the crime, and proof is not quite forthcoming from other arguments, so that it seems that the only step that is still missing is an admission by slaves.

179.

Dio Cassius, 55, 5

There was no feeling that the occasions on which interrogation under torture was called for should be restricted: on the contrary, by late antiquity torture had been extended from slaves to all citizens except those of the highest status. One of the few restrictions was that slaves could not be called as witnesses against their own master without his permission—and from the time of Augustus, this law was frequently circumvented by means of a fictitious sale; and later it was abandoned in all cases involving treason (*CTh.* 9, 6; cf. No. 75).

(4) Because it was not possible to order a slave to be tortured to give evidence against his own master, Augustus ordered that whenever the necessity for something like this should arise, the slave should be sold to the public treasury or to himself, so that he could be interrogated on the grounds that he was not the property of the accused. Some people expressed opposition to this, since the change of ownership was making the law meaningless, while others claimed that it was essential, since many people were organising plots both against the Emperor and against the authorities as a result of this provision.

180.

Digest 29, 5: 'The Senate Recommendations Proposed by Silanus and Claudius; Those Whose Wills may not be Opened'; 1: Ulpian, from *On the Edict*, book 50

Another requirement of Roman law, formulated in a Senate Recommendation of 10 AD, which strikes us as particularly inhumane, was that if an owner was killed, all the slaves within earshot at the time had to be interrogated under torture and executed. The Will of the murdered man (which might provide for some of these slaves to be given their freedom) could not be opened until the enquiry was complete. An example mentioned by the historian Tacitus illustrates the rule that slaves who failed to assist their masters should be executed (*Annals*, 14, 42=L&R II, 68), The jurists explain the reasoning behind this law:

(1) Since no household could be safe if slaves were not forced by the threat of danger to their own lives to protect their masters against enemies both internal and external; therefore Senatorial Recommendations were introduced to require the interrogation by the State of the slaves of men who had been murdered.

Sections 1–16 deal with definitions of the persons included under the terms 'masters' and 'slaves'.

(17) Labeo states that the term 'those murdered' includes all those killed as the result of violence or bloodshed, as for example anyone who has been throttled, strangled, thrown down from a height, struck with a stick or stone, or killed by means of some other weapon. (18) But if anyone has been done away with by poison or some other method which kills a person secretly, then vengeance for his death is not the Senate Recommendation.

This is because slaves must be punished for every occasion on which they have not brought their master help when they could have helped him against violence, but did not do so; now what could they have done to hinder those who were attacking him by means of poison or in some other way? (19) The Senate Recommendation does of course apply if the poison was administered by force. (20) So whenever violence was used in a way which normally results in death, we must take it that the Senate Recommendation applies. (21) So what does happen when it is asserted that a master was killed by poison and

not by violence? Will the crime go unpunished? Certainly not: even if Silanus' Senate Recommendation does not apply and there is no investigation and punishment of all those who were under the same roof at the same time, any who knew of the crime or were responsible for it will nevertheless be punished. But the heir may enter into the inheritance and have the Will opened even before the judicial investigation has taken place.

[What happens if the master commits suicide?]

(22) If anybody turns his hand against himself, then although Silanus' Senate Recommendation does not apply, yet his death will be avenged in such a way that if he did this in the sight of his slaves and they might have been able to stop him from destroying himself, they are to be punished, but if they were not able to do so, they are to be acquitted.

[Which slaves are to be interrogated?]

(27) Let us examine how the phrase 'under the same roof is to be understood; does it mean within the same walls or within the same dwelling or the same room or the same household or the same gardens or the same estate? Sextus says that courts have frequently adjudicated that all those should be punished as being 'under the same roof who were somewhere where they were able to hear their master's voice, though of course some people have a louder voice than others, and not everyone can hear equally well. (28) The Divine Emperor Hadrian seems to have written something very similar in the following rescript:

On occasions when slaves are able to come to their master's assistance, they ought not to have more regard for their own safety than for that of their masters; and the fact that the slave girl who was sleeping in the same bedroom as her mistress would certainly have been able to come to her assistance—if not by using her body, then at least by shouting out, so as to be heard by anyone in the house or nearby—is proved by the very fact that she said that the murderer had threatened to kill her if she cried out. She therefore deserves to suffer the penalty of death, so that no other slaves may think that they should consider their own interests when their masters are in danger.

(29) This rescript has a number of implications: it does not pardon someone who was in the same room; it shows no mercy to someone who was afraid of being killed; and it shows that slaves must assist their masters even if just by shouting. (30) If someone is murdered while he is doing something on his country estate, it would be more than unjust if all the slaves who had been in that part of the world were to be interrogated and punished just because he happened to own a widely dispersed estate; it is enough if only those are interrogated who were with him when he is said to have been killed, and are suspected of having carried out the murder or having known about it. (31) If a master has been murdered while on a journey, those who were-with him

when he was killed or who had been with him but fled, are to be punished. But if there was no one who was with his master when he was killed, then these Senate Recommendations do not apply. (32) A male slave who is still a child and a slave girl who is not yet of an age to be married are not covered by these provisions; for allowances have to be made for youth.

181.

Antiphon 5: *Death of Herodes*

Could owners execute their own slaves with complete impunity? The heirs of a murdered Athenian executed a slave who admitted complicity in the murder, before the slave's evidence had been heard by a court. The speaker attacks this, on the grounds that no one had the right to execute a slave without a trial—but this merely shows that at Athens sentence of death had to be carried out by the public executioners.

(47) What they did was to buy the slave who denounced the murderer and secretly kill him on their own initiative, without being authorised to do so by any vote on the part of the City, and in spite of the fact that he had not killed the murdered man himself. He should have been kept chained up, or given to some of my friends in return for a surety, or handed over to the State authorities so that there could be a vote on what was to happen to him. But instead you took it upon yourselves to find him guilty and execute him—not even the State can do that, punish someone with death without a formal decision by the Athenian community. So you are leaving the jury to be judges of whatever the slave may have asserted, but you appointed yourselves the judges of what he may have done. (48) And yet not even those who are caught in the act of murdering their owners may be executed by the owner's relatives: instead, they hand them over to the Authorities in accordance with your ancestral laws. And if a slave is allowed to testify against a free man in a case of murder, and an owner can initiate a prosecution on behalf of his slave if he so wishes, and a jury's vote applies just as much to the man who kills a slave as to the man who kills a free man—then it would have been right for this slave to have been sent for trial and not to have been put to death by you uncondemned.

182.

Isocrates, *Panathenaicus*

This attack on the way the Spartans treated their *Perioikoi*, allied communities subject to their political hegemony, implies that arbitrarily killing one's own slave was generally recognised to be an offence against the gods.

(181) Right from the start these men have suffered severely, and in the present situation they have served Sparta well; yet the Spartan *Ephors* [annual magistrates] are allowed to execute without trial as many of them as they wish.

As far as the rest of the Greeks are concerned, it is not holy to pollute oneself by killing even the most useless of one's household slaves.

183.

Demosthenes 21: *Against Meidias*

The existence of religious sanctions or even legal pronouncements against killing one's own slave does not imply mechanisms for making the owner answerable before a court of law. But democratic Athens was anxious that wealthy men should be restrained from behaving like tyrants: so any citizen had the right to initiate legal proceedings against those who did not treat their slaves humanely.

The Law proclaims: (47) If anyone humiliates (*hybriz i*) anyone, whether they are free or slave, or commits any illegal act against any of these: let any Athenian who has the right to do so who wishes submit their names to the *Thesmothetai*.

184.

Xenophon, *Memorabilia*, 2, 1

Xenophon's account of the conversations of Socrates shows that it was taken for granted that a master would punish a slave who failed in any way to do as his master wished. Socrates is conversing with the anarchist Aristippos, who claims that it is neither ruling others nor being a slave, but simply being independent, that brings one closest to happiness. Socrates points out that we unfortunately live in a real world in which the strong do everything they can to enslave the weak: why is Aristippos so confident that no one will try to enslave him?

(15) Is it because you would be thought the kind of slave who brings no master any profit? No one wants to keep in his household a man who does not want to do any work but enjoys an expensive lifestyle. (16) Let us consider how masters behave towards slaves of this sort. Is it not the case that they control any inclinations towards lechery by starving them? And stop them from stealing by locking up the places from which they might take things? Prevent them from running away by putting them in chains? Force the laziness out of them with beatings? Or what do you do when you find you have someone like that among your slaves?

(17) I inflict every kind of punishment upon him—said Aristippos—until I can force him to serve properly.

185.***Digest 18, 1.42: Marcianus, from Institutes, book 1***

At Rome, the heads of households had originally had the absolute right to punish their slaves, like their sons, with death (the *ius vitae necisque*: see Nos, 201, 235, Ch. 20). Under the Empire, the general tendency for the state to restrict or at least monitor the rights of a *paterfamilias* extended to the execution of slaves. This does not mean that slaves could not continue to be executed in the most brutal fashion, but at least they were protected from any arbitrary whim of their masters by the need to obtain a condemnation before a court.

Owners may not sell their slaves, albeit they are criminally inclined, in order to fight with wild beasts. Thus the rescripts of the Divine Brothers.

186.***Digest 48, 8.11: Modestinus, from Rules, book 6***

(1) When a slave has been given up to wild beasts, punishment applies not just to the person who sold him, but also the person who bought him.

(2) Following the *Lex Petronia* and the Senate Recommendations applying to that law, the rights of owners when they wanted to hand over their slaves to fight wild beasts were taken away from them; but if the slave has been brought before a Judge, and the owner's complaint is found to be justified, then he may be handed over for punishment.

187.***Code of Theodosius, 9, 12.1: 'On Punishing Slaves'***

The August Emperor Constantine, to Bassus.

If an owner has chastised a slave by beating him with sticks or whipping him or has put him into chains in order to keep him under guard, he should not stand in fear of any criminal accusation if the slave dies; and all statutes of limitations and legal interpretations are hereby set aside.

1. But he should not make excessive use of his rights; he will indeed be accused of homicide if he willingly

- kills him with a stroke of a cane or a stone;
- inflicts a lethal wound by using something which is definitely a weapon;
- orders him to be hung from a noose;
- gives the shocking command that he should be thrown down from a height;
- pours a poison into him;

- mangles his body with the punishments reserved to the State, viz. by having his sides torn apart by the claws of wild beasts; or applying fire to burn his body;
- or by forcing the man's weakened limbs, running with blood and gore, to give up their life spirit as the result of torture—a form of brutality appropriate to savage barbarians, Rome, 11 May 319 AD.

188.

A comparison of Roman Law with that of Moses, 2, 5.5

The best protection for a slave was the fact that since he was an article of property, anyone who hurt him was in effect harming his master, who could sue for compensation—though, as elsewhere (see No. 3 above), damage to a slave was considered to be worth only half as much as the same damage to a free man.

An action for damages may be based on common law (*legitima*) or on statute law (*honoraria*). According to common law derived from the *Twelve Tables*:

He who injures another is liable to a fine of 25 Sesterces. [The writer should have written 'Asses' rather than 'Sesterces', as is clear from a parallel quotation in Aulus Gellius' *Attic Nights*, 20, 1.12.]

This was an undifferentiated penalty; there were also specific ones such as:

If he has broken or bruised a bone, he must pay a fine of 300 Sesterces for a free man, and 150 for a slave.

189.

Digest 47, 10.15: Ulpian, from On the Edict, book 57

The right of an owner to exact compensation if anyone harmed his slave was confirmed by the 'Praetor's Edict', the statement of the principles upon which they would execute justice which the new praetors announced each year when they entered office, and which was codified permanently by Hadrian (see also No. 11 above).

(34) The Praetor's Edict states: 'I will give judgement in the case of anyone who is alleged to have beaten someone else's slave, contrary to acceptable practice, or to have interrogated him under torture without his master's permission. And if he is alleged to have done anything else, I will also hear that case and give judgement'

(35) If anyone injures a slave in such a way as to injure his owner, I interpret this to mean that the owner can institute an action for damages on his own

behalf; but if he didn't do it in order to insult the slave's owner, the injury done to the slave himself ought not to be left unavenged by the Praetor, especially if it was done by beating or torture; for it is obvious that the condition of the slave too is affected by this...

(49) So the Praetor does not promise to give a judgement on any case of injury brought on a slave's behalf; he won't accept an action if he was struck only lightly, or insulted mildly, or slandered by some action or the publication of some verses. I think that the Praetor ought to extend his investigation to include the quality of the slave—for it makes a lot of difference what kind of slave he is, well behaved, an overseer (*ordinarius*), a manager; or on the other hand an ordinary common labourer or someone nondescript like that. Or what if he's been chained up or has a reputation for evil or disgraceful behaviour? The Praetor will therefore take into consideration both the injury which is alleged to have been committed and the standing of the slave against whom it is alleged to have been committed; and accordingly allow or reject the action.

190.

Seneca, *Dialogue 5: On Anger*, 3, 40

The right to sue for damages done to a slave did not protect the slave against brutal or sadistic treatment by his own master. One of the most outrageous atrocities was condemned as an example of extreme ostentation by several writers (see Dio Cassius, 54, 23.1ff.: dated to 15 BC).

(2) Chiding a man when he is angry will only provoke him to still greater anger. You must approach him with all kinds of flattery, unless you happen to have sufficient status to be able to crush his anger, as the Divine Augustus once did when he was having dinner with Vedius Pollio. One of the host's slaves had broken a crystal cup; Vedius ordered the man to be seized and executed in a particularly bizarre way, by being thrown as food to lampreys—he kept some huge ones in his fish pond. Who would say that he did this for any reason other than ostentation? It was an act of savagery. The boy escaped and fled to Caesar's feet for refuge—all he was going to ask for was to be allowed to die in some other way than as food for fishes. Caesar was horrified at this unprecedented cruelty, and ordered the slave to be set free, all the crystal cups to be smashed in his presence, and the fish pond to be filled in. That was the way in which a Caesar could reprove his friend; he put his powers to good use. 'You order men to be dragged from a dinner party, and torn to pieces as a new kind of punishment? Are a man's bowels to be ripped apart just because one of your cups has been broken? Are you going to indulge your own moods to the extent of ordering someone to be led to execution in the very presence of Caesar?' If a man has so much power that he can put a stop to an outburst of anger from a position of authority, he should repress it unreservedly and making no allowances—at least, if it is one of the kind I've just described:

bestly, horrible and bloodthirsty, and unable to be cured except by fear of some greater power.

191.

Apuleius, *Metamorphoses*, 9

This account of work in a flour mill is one of the most colourful descriptions of the degradation to which masters could subject their slaves—and through its influence on novels such as Flaubert's *Salammbô*, it has contributed to the popular modern picture of what life was like for a 'typical' victim of slavery. Nevertheless, it should not be forgotten that this was a work of fiction.

(12) I inspected the organisation of this highly undesirable mill with a certain degree of pleasure. The men there were indescribable—their entire skin was coloured black and blue with the weals left by whippings, and their scarred backs were shaded rather than covered by tunics which were patched and torn. Some of them wore no more than a tiny covering around their loins, but all were dressed in such a way that you could see through their rags. They had letters branded on their foreheads, their hair had been partially shaved off, and they had fetters on their feet. They were sallow and discoloured, and the smoky and steamy atmosphere had affected their eyelids and inflamed their eyes. Their bodies were a dirty white because of the dusty flour—like athletes who get covered with fine sand when they fight.

192.

Diodorus Siculus, 5, 36 and 38

One area in which slaves were systematically and brutally exploited was mining. It is worth remembering that conditions were bad for all miners, not just slaves: this did not prevent free men from earning their living in this way (see Xenophon on the mines of Attica, No. 87 above; Ps.-Demosthenes, 42.20; an inscription from Spain, the *Lex Metalli Vipascensis*=*ILS* 6891 and *L&R* II, 43, illustrates the conditions of such free miners). Under the Empire, the labour shortage was made up by condemning criminals to the mines: see No. 125. Callistus (No. 138 above) and many other Christians worked in the mines because they were criminals, not because they were slaves. But in the late Republic, Roman contractors (*publicani*) used slaves for mining under the most atrocious conditions, for example in Spain. The revulsion felt by Diodorus' source, the Stoic philosopher Posidonius, comes through clearly.

(36.3) Originally any private person without mining experience could come and find a place to work in these mines, and since the silver-bearing seams in the earth were conveniently sited and plentiful, they would go away with great fortunes. But later the Romans gained control of Spain, and now a large number of Italians have taken over the mines and accumulated vast riches as

a result of their desire to make profits; what they did was buy a great number of slaves and hand them over to the men in charge of the mining operations...

(38.1) The men engaged in these mining operations produce unbelievably large revenues for their masters, but as a result of their underground excavations day and night they become physical wrecks, and because of their extremely bad conditions, the mortality rate is high; they are not allowed to give up working or have a rest, but are forced by the beatings of their supervisors to stay at their places and throw away their wretched lives as a result of these horrible hardships. Some of them survive to endure their misery for a long time because of their physical stamina or sheer will-power; but because of the extent of their suffering, they prefer dying to surviving.

193.

Xenophon, *The Householder*, 9

Perhaps the most blatant result of the inhumanity of chattel slavery was that the marriages of slaves could not be recognised. An owner had the right and the power to prevent his slaves from forming lasting relationships. Only in the fourth century AD, influenced by Christian ideals of family life, did Constantine decree that when slaves were sold, then husband and wife, parents and children, had to be sold together (*CTh.* 2, 25.1=L&R II, 140). Inscriptions from Roman family tombs such as that of the Statilii show that at least 24–40 per cent of slaves were married (and their marriages would become legally recognised once they were freed). But most of the evidence is highly circumstantial (see Nos. **124**; **148**, Ch. 5; **149**, Ch. 5; **150**, Ch. 6; **201**; **206**, Ch. 6).

(5) I also showed my wife the women's quarters, divided off from the men's quarters by a bolted door, so that nothing could be brought out of this part of the house that shouldn't be, and so that the slaves shouldn't have children without our approval. For good slaves are generally better disposed towards their masters if they have had children, but if the bad ones live together, it is much easier for them to cause trouble.

194.

Digest 37, 14.7: Modestinus, from the single-volume work Manumissions

Despite the criticisms of satirists and moral philosophers, neither Greek nor Roman legislation would do anything in principle to limit an owner's rights regarding the sexual exploitation of the slaves he owned (see Nos. **235**, Ch. 5 and **240** below). However, in Roman law a vendor could impose certain conditions on subsequent owners (see No. **10**); and by upholding the right of a previous owner to insist that a slave woman he sells shall not be prostituted, Vespasian did give slaves some protection. But it was not until 428 AD that

a Christian emperor decreed that any slave forced into prostitution by her master should automatically become free (*CTh.* 15, 8.2).

The Divine Emperor Vespasian promulgated a decree to the effect that, if any woman had been sold on condition that she should not be employed as a prostitute, and she had been so prostituted, then she should become free; and that if the buyer were later to sell her to someone else without imposing this condition, she should become free in accordance with the conditions of the original sale, and become the freed-woman of the person who had originally sold her.

195.

Salvian, *The Governance of God*, 7, 4

For Christians, with their much clearer and stricter attitudes towards sexual morality, the implications of an owner's absolute powers over his slaves were extremely serious.

(17) I would say that [in southern Gaul] the lady of the household certainly did not maintain her power unchallenged, because a woman whose rights as a wife have not been kept safe and unchallenged has not kept her rights over the household safe either. When the head of the household behaves like the husband of the slave girls, his wife is not far removed from the status of a slave. And was there any wealthy Aquitanian who did not behave like that? Was there any whose promiscuous slave girls didn't have a right to look on him as their lover—or their husband? In the words of the prophet: 'They went after women, each whinnying like a stallion after the wife of his neighbour' (Jeremiah 5, 8)...

(19) I must ask those who know about human nature what the morals of slaves will have been like under these circumstances, when the morals of the head of the household had sunk as low as that. How corrupted will the slaves have been, when their masters were so utterly corrupt... Now the master's position within his household is like that of the head to the body: his own lifestyle sets a standard of behaviour for everyone... (20) These masters didn't just provide a provocation to behave wickedly, but an unavoidable necessity, since slave women were forced to obey their immoral owners against their will; the lust of those in a position of authority left those subjected to them with no alternative. From this we can imagine how heinous this filthy uncleanness was, when women were not permitted by their shameless owners to be chaste, even if they had wanted to.

196.

Seneca, *Dialogue 5: On Anger*, 3, 24

There is no reason to doubt that in antiquity, as now, many cases of ill-treatment of the weaker members of the household were the result of

unintended emotional outbursts rather than systematic brutality. Seneca's diatribes on the importance of controlling anger illustrate the vulnerability of slaves to their master's moods.

(2) Why do I have to punish my slave with a whipping or imprisonment if he gives me a cheeky answer or disrespectful look or mutters something which I can't quite hear? Is my status so special that offending my ears should be a crime? There are many people who have forgiven defeated enemies—am I not to forgive someone for being lazy or careless or talkative? 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 (*familiaritas*).

197.

Seneca, *Dialogue 5: On Anger*, 3, 32

(1) In various situations, there are different reasons why we should control ourselves. We should be afraid of the consequences if we are angry with certain people; we should have too much respect to be angry with some people, too much disgust to be angry with others. No doubt we shall have performed a heroic action if we send some wretched little slave off to the prison house (*ergastulum*). Why on earth are we so anxious to have them flogged immediately, to have their legs broken on the spot? We do not abandon our rights by postponing the exercise of them.

198.

Galen, *The Diseases of the Mind*, 4 (Kühn 5117)

Although a doctor found the frequency with which slaves were beaten under the influence of anger disturbing, he did not question a master's right to have a delinquent slave beaten or whipped.

If a man adheres to the practice of never striking any of his slaves with his hand, he will be less likely to succumb [to a fit of anger] later on, even in circumstances most likely to provoke anger. I used to recommend this behaviour even when I was a young man, and have maintained it throughout my life; my father trained me to behave in this way myself, and I have criticised many of my friends when I saw how they had bruised their hands by hitting their slaves on the mouth—I told them that they deserved to rupture themselves and die in a fit of anger, when it was open to them to preside over the administration of as many strokes of the rod or the whip as they wished a little later, and they could carry out such a punishment just as they wished.

There are other people who don't just hit their slaves, but kick them and gouge out their eyes and strike them with a pen if they happen to be holding one. I have seen someone strike his slave in the eye while under the influence of anger with one of the reeds we use to write with. The story is told that the

Emperor Hadrian struck one of his attendants in the eye with a pen. When he realised that he had become blind in one eye as a result of this stroke, he called him to him and offered to let him ask him for any gift to make up for what he had suffered. When the victim remained silent, Hadrian again asked him to make a request of whatever he wanted. He declined to accept anything else, but asked for his eye back—for what gift could provide compensation for the loss of an eye?

199.
Codex 3, 36.5

Outbursts of rage could lead to legal complications. In the early third century AD, a lady called Statilia asked the emperor whether she had to fulfil a clause in her husband's Will which had clearly been written while he was beside himself with anger at two of his slaves.

The August Emperor Alexander, to Statilia.

It lay within your husband's own power to alter the clause he put in his Will when he was angry at his slaves, that one of them should be kept chained up for ever, and the other sold so as to be taken abroad. Now if a desire to forgive did in fact assuage this displeasure (and although this may not be proved in writing, there is no reason why it should not be proved by other arguments, particularly if some later meritorious actions on the part of these slaves can be proved, so great that their master's anger was likely to be assuaged), then the arbitrator appointed to divide up the inheritance (*arbiter familiae erciscundae*) should follow the deceased's most recent wishes.

200.
Xenophon, Memorabilia, 2, 10

If a slave-owner looked after his slaves well, it might be not because he saw them as human beings like himself, but because he wanted to preserve his property: to keep his slaves from dying was just like keeping them from running away, as is shown by Socrates' attempt to encourage Diodoros to make friends with someone, by pointing out how keen he would be not to lose a slave through flight or sickness.

(1) Tell me, Diodoros—said Socrates—if one of your slaves runs away, do you take steps to recover him?

Heavens! —he said—I even get others to help me by announcing that there will be a reward for his safe return.

And if one of your slaves is ill—said Socrates—you look after him and call in physicians to stop him from dying?

Most certainly.

And if one of your friends, who is much more useful than your slaves, is in danger of dying through poverty, do you not think it right to try and save him?

201.

Plutarch, *Cato the Elder*

In his advice to his son on how to manage a farm, the elder Cato twice refers to sick slaves as unproductive and useless. Even in antiquity, Cato was seen as an example of a cruel master, and his attitude towards his slaves was considered inhumane.

(4.4) He says that he never once bought a slave for more than 1,500 drachmae, since he didn't want luxurious (*trypher n*) or beautiful ones, but hard workers, like herdsmen or cattle-drovers; and he thought that when these got older, they should be got rid of and not fed when they were no longer useful...

(5.2) I myself regard someone who uses slaves like pack animals and drives them away and sells them when they get old as unbalanced, since he thinks that the only bond between people is their need. But we consider that humanity (*kh r stot ta*) goes much further than just strict justice.

(21.1) He acquired many dependants; he generally bought young prisoners of war who were still able to be trained and educated like puppies or foals. None of them was ever allowed to enter another household unless he had been sent by Cato or his wife; and if he was asked how Cato was getting on, the only answer he gave was that he didn't know. (2) A slave was supposed either to be engaged on some essential household job, or else to be asleep; Cato was very pleased with those who would sleep a great deal, since he considered them easier to control than those who were energetic, and thought that those who enjoyed sleep were in every respect more useful than those who did not. Since he thought that what made slaves most troublesome was their sexual needs, he allowed them to get together with the female slaves for a fixed price, but forbade any kind of association with another woman. (3) In his youth, when he was still poor and serving in the army, he never made any complaint about the way he was served, but said that it would be shameful to engage in a running battle with a slave about one's stomach. But later on, when he was richer, he gave dinner-parties for his friends and fellow magistrates; and immediately after the meal he used to whip any slaves who had imperfectly prepared or served anything. (4) He continually tried to arrange for his slaves to quarrel and argue, and was suspicious and scared if they agreed amongst themselves. He would try those who were accused of a crime which warranted the death penalty in the presence of all the other dependants, and have them killed if they were found guilty.

202.

Cato, *Agriculture*, 2

When we look at the context of Cato's remarks, however, it appears that while they may be evidence for Cato's disdain for slaves as a class, he did not

advocate a *system* of treatment: in one passage he is giving examples of the sorts of things a landowner can say to counter his *vilicus*' excuses for incompetent work, in the other he is making a general point that when a master visits his estate, he should give orders to sell all unnecessary equipment (see A.E.Astin, *Cato the Censor* (Oxford, 1978), Appendix 12; on tours of inspection, see Nos. 149 and 156 above).

(1) When the head of a household arrives at his estate, after he has prayed to the family god, he must go round his farm on a tour of inspection on the very same day, if that is possible; if not, then on the next day. When he has found out how his farm has been cultivated and which jobs have been done and which have not been done, then on the next day after that he must call in his manager and ask him which are the jobs that have been done and which remain, and whether they were done on time, and whether what still has to be done can be done, and how much wine and grain and anything else has been produced.

(2) When he has found this out, he must make a calculation of the labour and the time taken. If the work doesn't seem to him to be sufficient, and the manager starts to say how hard he tried, but the slaves weren't any good, and the weather was awful, and the slaves ran away, and he was required to carry out some public works, then when he has finished mentioning these and all sorts of other excuses, you must draw his attention to your calculation of the labour employed and time taken.

(3) If he claims that it rained all the time, there are all sorts of jobs that can be done in rainy weather—washing wine-jars, coating them with pitch, cleaning the house, storing grain, shifting muck, digging a manure pit, cleaning seed, mending ropes or making new ones; the slaves ought to have been mending their patchwork cloaks and their hoods.

(4) On festival days they would have been able to clean out old ditches, work on the public highway, prune back brambles, dig up the garden, clear a meadow, tie up bundles of sticks, remove thorns, grind barley and get on with cleaning. If he claims that the slaves have been ill, they needn't have been given such large rations.

(5) When you have found out about all these things to your satisfaction, make sure that all the work that remains to be done will be carried out...

(7) The head of the household [on his tour of inspection] should examine his herds and arrange a sale; he should sell the oil if the price makes it worthwhile, and any wine and grain that is surplus to needs; he should sell any old oxen, cattle or sheep that are not up to standard, wool and hides, an old cart or old tools, an old slave, a sick slave—anything else that is surplus to requirements. The head of a household ought to sell, and not to buy.

203.**Suetonius, *Claudius*, 25**

It has been suggested that under the Emperor Claudius, the direction of Roman legislation became much more favourable towards slaves, possibly because his advisors included men who had once been slaves (see No. 176 above). In fact, Claudius himself was no more humane than other Romans: he exposed his daughter Claudia, alleging that he was not her father (Suetonius, *Claudius*, 27), and his judicial treatment of freedmen was by no means liberal (see No. 37 above). But he did hold that a slave's obligations towards his owner ceased if his owner no longer fulfilled his obligations towards him: that he gave such slaves the status of Junian Latins is confirmed by the *Digest* (40, 8.2). This is not evidence for a more humane attitude towards slaves, but rather for the ever increasing role of the emperor, who saw it as his duty to codify and enforce existing practice and convention.

(2) Certain individuals were leaving sick slaves and those worn out with age on the Island of Aesculapius because they thought they would not get better. Claudius decreed that all who had been abandoned in this way were to be free, and would not return under their master's authority if their health improved; and if anyone preferred to kill a slave rather than abandon him, he was to be liable to a charge of murder.

204.**Dio Cassius, 60 (61), 29**

Dio dates this legislation to the year 47 AD:

(7) Since many people didn't bother to give their slaves any treatment when they were sick, and even threw them out of the house, he decreed that any who survived after being treated in this way should be free.

205.**Xenophon, *The Householder*, 13**

Moral philosophers addressed themselves to codifying rules for the treatment of slaves (Plato, *Laws*, No. 80, 264e above). Another of Socrates' pupils wrote a Socratic dialogue on household management, expressing his views on how a wealthy landowner should treat his wife and the other dependants within his household,

(9) It is possible to make human beings more ready to obey you simply by explaining to them the advantages of being obedient; but with slaves, the training considered to be appropriate to wild beasts is a particularly useful way of instilling obedience. You will achieve the greatest success with them by allowing them as much food as they want. Those who are ambitious by nature will also be motivated by praise (for there are some people who are as naturally

keen for praise as others are for food and drink). (10) These are the things I teach those whom I wish to appoint as managers, since I believe that by doing so I can make them more honest persons, and I give them the following advantages: I don't make the cloaks and shoes which I have to provide for my workers all alike, but some worse and others of better quality, so that I can reward the better worker with better clothing and shoes, and give the worse to the man who is worse. (11) I think it is very demoralising for good slaves, Socrates, if they see that all the work is being done by them, while those who don't want to do any work or take any necessary risks get just as much as they do. (12) I myself think that better slaves should not be treated in the same way as worse ones, and I praise my managers when I see that they have given the best things to those who deserve them most, and if I see that someone has been treated too favourably as a result of flattery or some other unproductive favour, I don't let that pass, Socrates, but punish the man, and try to show him that this sort of thing isn't to his advantage [as a manager] either.

206.

Aristotle, *The Householder*, 1, 5

A treatise ascribed to Aristotle but more probably the work of one of his pupils (perhaps his successor as head of the Athenian Academy, Theophrastus), contains ideas very similar to those of Plato and Xenophon, and later Varro (No. 148 above). The writer recommends that slaves should be told that they will be given their freedom after a stated number of years; and be allowed to raise a family—as 'hostages' to make it less likely that they will want to run away, and also so that the slaves who will replace them when they are freed will be *oikogeneis* ('house born'), real members of the family and not outsiders bought for money.

(1) The principal and most essential form of property is that which is best and most central to managing a household: the human being. So the first thing to do is acquire good slaves. There are two categories of slaves: overseer and labourer. Since we can see that it is upbringing that gives young people their particular character, it is essential to educate any slaves we have bought if we intend to give them that kind of work which is appropriate to free persons [i. e. supervisory functions].

(2) In our dealings with slaves, we should not let them be insolent towards us nor allow them free rein. Those whose position is nearer to that of free men should be treated with respect, those who are labourers given more food. Since the consumption of wine makes free men behave insolently too (and in many cultures even free men abstain from it—like the Carthaginians when they go campaigning), it is clear that wine should never, or only very rarely, be given to slaves.

(3) There are three things [that concern slaves]: work, punishment and food. Having food but no work and no punishment makes a slave insolent; giving

him work and punishment without food is an act of violence and debilitates him. The alternative is to give him work to do together with sufficient food. One cannot manage someone without rewarding them, and food is a slave's reward. Slaves, just like other human beings, become worse when better behaviour brings no benefits, and there are no prizes for virtue and vice. (4) Consequently we ought to keep a watch over how our slaves behave, and make our distributions and apportion privileges according to desert, whether it is a matter of food or clothes or free time or punishment. In word and deed we must adopt the authority of a doctor when he issues his prescriptions—noting the difference that, unlike medicine, food has to be taken continuously.

(5) The races best suited for work are those which are neither extremely cowardly nor extremely courageous, since both of these are likely to cause trouble. Those who are too easily cowed cannot persevere with their work, while those who have too much courage are difficult to control.

(6) It is essential that each slave should have a clearly defined goal (*telos*). It is both just and advantageous to offer freedom as a prize—when the prize, and the period of time in which it can be attained, are clearly defined, this will make them work willingly. We should also let them have children to serve as hostages; and, as is customary in cities, we should not buy slaves of the same ethnic origins. We should also organise sacrifices and holidays, for the sake of the slaves rather than the free men—for free men get more of the things for the sake of which these practices have been instituted.

207.

Pseudo-Phocylides

In the collections of maxims and moral advice which were popular in antiquity, particularly for teaching children to read and write, no great attention is devoted to slaves.

One corpus of such literature is known as *Pseudo-Phocylides*; it is not certain who compiled these 230 lines of moral advice, but it was certainly not the archaic Greek poet Phocylides. The evidence suggests that the author may have been a Hellenistic Jew. Only five lines concern themselves with the relationship between a master and his slave, and this is in fact the very last section of the poem: here, as in other respects, mere status leaves slaves with the last place. (There is one other reference to slaves: line 181 tells you not to have sex with any of your father's concubines, but that is a matter of respecting your father, not the slaves.)

Provide your servant (*therap n*) with the share of food that he is owed.

Give a slave his rations (*takta*) so that he may respect you.

Do not brand your servant (*therap n*) with marks that insult him.

Do not do a slave (*doulon*) harm by criticising him to his master.

Accept the advice even of a slave (*oiket s*) if he is wise.

208.**Cicero, *On Duties*, 1, 13**

Stoic philosophers insisted that masters had an obligation to treat their slaves properly, just as they would treat free workmen whom they had contracted to hire for life; this goes back to Chrysippus (c. 280–207 BC; see No. **239**, 22.1 below and Athenaeus, 276b) and Cleanthes (331–232 BC), who was said by Seneca (*Letters*, 44.3) to have worked as a hired water-carrier.

One of the earliest written occurrences in Latin is in Cicero's handbook on proper behaviour, written for the benefit of his son.

(41) Let us also remember that we must behave justly even towards the lowest kinds of people. The most inferior status and fate is that of slaves. Those who tell us to use them in the same way as if they were hired workmen don't give us bad advice—we must insist that they do their work, but grant them what is just.