

CHAPTER 10

RESISTANCE

209.

Pliny, *Letters*, 3, 14

When a slave owner found it impossible to live with one of his slaves, there was a straightforward solution—he could sell the slave, or in the last resort have him executed.

In theory, it was unthinkable that a slave should have any such remedy (recognition of a slave's right to appeal against ill treatment by taking asylum at a shrine side-stepped the issue of the master's absolute power over his property). Thus the slaves' ways of exerting pressure on their owners to treat them properly were extra-legal: one was the threat of murdering a bad master. It would be misleading to assume that there was a constant state of 'class warfare' between slaves and citizens within the same household (as there was between the Helots and the citizens of Sparta). Nevertheless, the possibility of being murdered by one's slaves was taken seriously: 'Citizens act as unpaid bodyguards for one another against slaves, and they act as bodyguards against criminals to prevent any citizen from dying a violent death' (Xenophon, *Hiero*, 4.3).

Roman legislation required the interrogation under torture of all those of a man's slaves who had been within earshot when he was killed (No. **180** above). Pliny draws a pessimistic conclusion from one such case.

(1) The horrible fate which the ex-Praetor Larcius Macedo suffered at the hands of his slaves deserves to be mentioned in something more than just a letter. He was an insolent and brutal master who didn't care to remember that his father had himself been a slave—or perhaps he remembered it all too well.

(2) He was having a bath in his villa at Formiae. Suddenly some of his slaves surrounded him; one of them grasped him by the throat, another hit him in the face, another in the chest and stomach, another (what an unpleasant thing to mention!) in the groin. When they saw that he had lost consciousness, they threw him onto the boiling hot bath-floor to see if he was still alive. He lay there without moving—either he felt nothing or he pretended to feel nothing: so that he made them believe that he was in fact dead. (3) At this point they

carried him out as though he had fainted as a result of the heat; some of his more faithful slaves took over, and his concubines appeared, with a lot of noise and wailing. The effect was that he was aroused by their shouting and recovered because of the fresh air, and showed that he was still alive by opening his eyes and moving some part of his body; it was now safe for him to do this. (4) The slaves all fled; most of them have been arrested and the rest are being sought. He himself was kept alive with great difficulty for a few days and then died; he had the consolation that while still alive he was avenged in the way victims of murder usually are.

(5) So you see how exposed we are to all sorts of danger, insult and humiliation. And it is not the case that anyone can feel himself secure because he is indulgent and mild—masters aren't killed with a just cause (*iudicio*), but as the result of sheer criminality.

210. *ILS 3001*

Belief in the efficacy of magic was universal among all classes in antiquity. Its use was particularly widespread among powerless and socially inferior groups, as a way of expressing resentment against a superior who they felt had wronged them; it was also much less likely to be detected than murder.

Many curse tablets (*tabulae defixionum*) were placed on tombs; the victim was supposed to become as dead as the corpses in the tomb. An inscription from Tuder in central Italy records the discovery of an attempt by a public slave to use magic to do away with his superiors, the Town Council.

For the safety of the Colony and of the members of the Council and of the People of Tuder!

To Jupiter Greatest and Best, the Protector, the Preserver; because by the force of his thunderbolt he destroyed the names of the members of the Council which had been placed on the tombs of the dead as an unspeakable act of horrid sorcery by a most evil public slave; and because he liberated the City and its citizens and freed them from fear of danger.

This vow is paid by Lucius Cancius Primigenius, freedman of Clemens, member of the College of Six, Priest of Augustus, Priest of the Flavian dynasty, the first man ever to be granted all these honours by the Council.

211. **Thucydides, 7, 27**

If the slave could not remove his master, he could remove himself by running away. The frequency of references to fugitive slaves shows how many were dissatisfied with the particular master they had to serve—it cannot prove any general resistance to slavery as an institution. Opportunities for flight were particularly good in times of war and insecurity (see Nos. **59–61** and **67–8**

above). During the Peloponnesian war, many slaves made the most of the presence of a Spartan army encamped inside Attica at Decelea; large numbers were arrested by the Boeotians and resold very profitably (*Oxyrhynchus Historian*, 12.4).

(5) The Athenians suffered greatly; they were deprived of the use of the whole of their countryside; more than twenty thousand slaves deserted (and a substantial number of these were craftsmen); and they lost all their herds and draught animals.

212.

Digest 11, 4.1: Ulpian, from On the Edict, book 1

In principle, running away was a very serious crime against property, and the Romans had carefully defined procedures to ensure the swift recovery of runaways.

Anyone who has hidden a runaway slave is guilty of theft.

(2) The Senate has decreed that no runaways must be allowed onto country estates or be sheltered by the estate managers or agents of the landowners, and has laid down a fine; but if anyone restores such runaways to their owners within twenty days or brings them before the authorities, their previous behaviour is to be overlooked.

(3) Any person whatsoever who apprehends a runaway slave has an obligation to produce him in public;

(4) and the authorities are very properly required to guard them carefully to prevent them from escaping.

(7) Carefully guarding them may even include chaining them up.

(8) They are kept under guard up to the time when they can be taken before the Prefect of the *Vigiles* [the police at Rome] or the provincial governor.

(9) Their names and distinguishing features and the names of the persons whom they may claim as their owners should be submitted to the authorities, so that the runaways can be more easily recognised and dealt with (the term 'distinguishing features' here includes scars); and this also applies if details are posted up in writing in a public place or building.

213.

Paul, Letter to Philemon

When a runaway slave called Onesimos joined the circle of the Apostle Paul, awaiting trial at Rome, there could be no question of Paul's committing the crime of harbouring the fugitive. To reconcile the runaway Christian to his Christian master Philemon, Paul needs all the diplomatic finesse he can muster: in his letter, he tries to confuse the metaphorical enslavement of all Christians to God with the very real slave status of Onesimos: it should be remembered that Christ is 'master' in the sense of 'slave-owner'.

Paul, the captive of Jesus Christ, and his brother Timothy, to Philemon the fellow-worker whom we love, and to Apphia whom we love, and to our fellow-soldier Arkhippos, and to the community within their household: may you have favour and peace from God our Father and from the Master, Jesus Christ.

I thank my God, and always remember you in my prayers, when I hear about the love and faith that you have towards the Master Jesus and towards all the holy ones, that your sharing in the faith may become active in recognising all the good that is in us through Jesus Christ. We find much pleasure and consolation in your love, since the hearts of the holy ones are refreshed through you, my brother.

For this reason, although Christ gives me much freedom of speech to impose an obligation upon you, I prefer to appeal to your love. Senior as I am now, and now a captive for Jesus Christ, I, Paul, appeal to you concerning your child, whom I bore in my chains, Onesimos [‘Useful’], whom you once found useless but who is now very useful to you and to me, and whom I have sent back to you; receive him as you would my own heart. I wanted to keep him with me so that he could serve me as your substitute in the chains of the Gospel. But I didn’t want to do anything without your knowledge, so that if you performed a good deed, it should have been done freely and not under compulsion. I suppose that the reason why you were without him for a short time was to receive him back for all eternity—no longer as a slave, but as more than a slave, rather as a beloved brother, especially to me—and how much more so to you! —both in the flesh and in the Master. So if you consider me your associate, receive him as you would me. If he did you some wrong or owes you anything, put that down to my account. I, Paul, wrote this and signed it; I will pay you back. I’m not going to remind you that you are indebted to me for your own self. Indeed, my brother, I would like to exploit you for the Master’s sake: for his sake, you must relieve my concern. I have written to you confident that you will be obedient, knowing that you will do even more than I ask of you. At the same time, you must prepare to receive me as your guest, since I hope that because of your prayers I will be able to return to you.

Epaphras, my fellow-prisoner in Christ Jesus, greets you, and Marcus, and Aristarkhos, and Demas and Luke, my fellow-workers. May the favour of our Master Jesus Christ be with your spirits. Amen.

Written to Philemon, from Rome, by the hand of Onesimos the house-slave.

214.

Two Egyptian Fugitives: Bruns 159.3

When a slave ran away, his owner took the same steps to get him back as for any other valuable property that had been lost (see No. 200 above). An Egyptian papyrus document of 146 BC shows how a reward would be offered

to the finder—the figures mentioned are in Egyptian copper coinage, worth between 1/400 and 1/600 of the silver equivalent.

A boy called Hermon has run away at Alexandria, age about 15, wearing a cloak and a belt. Anyone who brings him back will receive 2 [corrected to:] 3 talents; anyone who gives information that he is at a shrine, 1 [corrected to:] 2 talents; if he is with a man who can be trusted to accept a court ruling, 3 [corrected to:] 5 talents. Whoever wishes is to inform the governor's officials.

There is also another slave who has run away with him, Bion.

Whoever brings him back will receive the same as for the one specified above.

Inform the governor's officials about him as well.

215.

Symmachus, *Letters*, 9, 140

A powerful political figure would try to bring pressure on the judicial officials to ensure that persons he claimed as runaway slaves would be returned to him (see Cicero, *Ad.Fam.* 5, 11 and 13, 77):

My first reason for writing is to express my respect for you by sending you my greetings. The second is to claim the benefit of your proven friendship towards me with a reasonable request. Several of the slaves in my household have disappeared as runaways, and are hiding in places which are under your authority. I ask you to listen to the evidence submitted by my agent and return these people to me; for it would be in accordance with your high character both to pay due regard to the links of friendship between us, and to deny any refuge to dishonest slaves.

216.

Pliny the Elder, *Natural History*, 28, 3

Just how anxious slave-owners were about the possibility that fugitives might get away completely can be seen from the fact that they enrolled the help of the spirit world to stop them (as Octavian did to relieve anxieties about the number of runaways who were joining Sextus Pompeius: see No. 59 above).

(13) We still believe today that by their prayers our Vestal Virgins can make slaves who have run away but haven't yet got out of Rome stay where they are.

217.

Aristotle, *Finance Management*, 2, 2

There was even one occasion on which a state insurance system arranged compensation for runaways.

(34) Antimenes of Rhodes was a distinguished officer [the manuscript text is obscure: possibly he was the official in charge of finances] of Alexander

the Great's s in Babylonia, and used the following methods to raise money... One source of revenue was to tell anyone who wished to do so to register the slaves belonging to members of the Macedonian army at whatever value they thought appropriate, in return for the payment of a premium of eight drachmae per annum. If the slave ran away, the owner would be paid the value he had registered. A large number of slaves were registered in this way, and this brought in a considerable income. If any slave did run away, Antimenes ordered the governor of the [province] in which the army was stationed at the time to recover the slave or to pay his owner the registered value.

218.

Petronius, *Satyricon*, 103

If a slave had shown a particular propensity for running away, the regular way to deter him from doing so again was to brand him on the forehead so that everyone would immediately recognise him as a fugitive. This appears to have been practised at Athens (Aristophanes, *Birds*, 760; Xenophon, *Poroi*, 4.21); it was not normal to brand slaves otherwise than as a particularly degrading punishment (Nos. 5, *Ch.* 13, 191, 207). In Petronius' novel, some of the characters paradoxically adopt this *notum fugitivorum epigramma* (recognised mark of runaways) as a disguise.

(103) Eumolpus: You must do as I tell you. The man I've hired, as you know from the way he uses the razor, is a barber. Let him shave not just your heads, but your eyebrows too, right away. Then I shall inscribe some neat lettering on your foreheads to make it look as though you had been branded as a punishment. So the lettering will mislead the suspicions of anyone on the look-out for you, and at the same time the marks of your punishment will disguise your faces.

219.

ILS 8731

Christians objected to branding slaves on the face, since the face was made in the image of God. In 315 or 316 AD, Constantine decreed that branding as a state punishment should be carried out on the hands and legs instead (*CTh.* 9, 40.2). An alternative way to show that a slave was a fugitive was to make him wear a collar stating whose property he was (the earliest reference to this dates to the late second century BC: Lucilius 854 Marx). Many such collars contain explicitly Christian symbols, the following two are from Rome.

I have run away: hold me. You will get a gold *solidus* if you return me to my master Zoninus.

220.
ILS 8726

I am called Januarius. I am the slave of Dexter, Recorder of the Senate, who lives in the Fifth Region, at the field of Macarius.

221.
ILS 9454

The purpose of these collars was so universally understood that on one example, from Nîmes in southern Gaul, the Latin phrase *Tene me quia fugio* ('Arrest me since I am a fugitive') has been abbreviated:

T.M.Q.F.

222.
Euripides, *Suppliants*, 267

In theory, running away was a crime which deserved no mercy; but in practice there had to be scope for compromise. One way out was for the slave to appeal to a god. While a master could not give way to his slave, there was no disgrace in giving way to a god—and it presented no threat to property rights or to slavery as an institution (for parallel mechanisms for the resolution of conflict within a family, see I.M.Lewis, *Ecstatic Religion*).

Much of the epigraphical evidence for asylum dates to the Hellenistic period. But it is clear that compromises of this kind had to be accepted in any ancient slave-owning society; fifth-century examples are attested for Egypt (Herodotus, 2, 113.2) and the temple of Poseidon at Tainaron in Laconia (*IG* 4.1, 1228–32).

A wild beast can run for refuge to the rocks, a slave to the altars of the gods, and a city can shelter from a storm under the protection of another city.

223.
Aristophanes, *Horae*: fragment 567 Koerte

It is clear that if a runaway took refuge at a shrine, he did not cease to be a slave: he merely had an opportunity to find himself a different master, human or divine.

The best thing for me to do is to run to the Temple of Theseus for refuge and stay there until I manage to find someone to buy me.

224.**Asylum at Andania: Dittenberger, *Sylloge 2*, No. 736**

Since there was no failsafe way of stopping discontented slaves from running away, it was in the interests of slave-owners that there should be recognised rules about the circumstances under which running away was to be considered justified. The Chians made such an arrangement with the slave leader Drimakos (see No. 80, 265f above). The procedure was specified in a law passed by the Messenians in about 91 BC relating to a shrine at Andania; the relevant passage follows a clause specifying the different punishments for free men and for slaves who cause an affray within the temple precinct.

[line 81]

Slaves may take refuge.

Slaves are to be allowed to flee to the Temple for refuge, according to the area marked out by the priests. No one is to harbour any of these runaways or give them food or grant them any help. Anyone who acts contrary to what is written may be sued by the slave's master for twice the value of the slave, with an additional penalty of fifty drachmae. The priest is to make a ruling about any runaways who come from our own city; and all those whom he condemns are to be handed over to their owners. If he does not hand them over, the slave may go free from the master who owns him.

225.**Achilles Tatius, *Leukippe and Kleitophon*, 7, 13**

That such provisions were not exceptional is shown by their appearance in Greek romances of the Roman period.

(2) Since the Temple of Artemis was near the estate [at Ephesus], Leukippe ran there and held onto the shrine. In the past this temple could not be entered by free women, but was reserved for the use of men and unmarried girls; if any woman did go in, she was punished with death, unless she was a slave woman who had a complaint against her master. Such a woman was allowed to appeal to the goddess for refuge, and the magistrates decided between her and her master. If it turned out that the master had done nothing wrong, he took the slave back, but swore that he would not bear a grudge against her for having run away from him. If on the other hand the servant seemed to have a just cause for complaint, she stayed there as the goddess's slave.

226.**Justinian, *Institutes*, 1, 8.2**

Roman law came to recognise that a slave who appealed to the gods (or to the religious power residing in a statue of the emperor) had a right to have his

complaints investigated (see No. **239**, Ch. 22.3 below) and to be sold to a new master if they were found to be justified. This right in no way threatened slavery as an institution, and such a slave could not be classified as a *fugitivus* and charged with the crime of running away from his owner.

At the present time no persons subject to our sovereignty may act against their slaves with excessive brutality or without having grounds recognised by the law. For in accordance with a Constitution of the Divine Emperor Antoninus Pius, anyone who kills his own slave without cause is ordered to be punished just as severely as someone who kills another's slave.

But even excessive severity on the part of owners is restricted by a Constitution of the same Emperor; for when he was asked by several provincial governors about those slaves who take refuge in a temple or at the statues of emperors, he declared that when the brutality of a master appears intolerable, they be forced to sell the slaves on favourable terms so that the price should go to the owners; this was a good decision, since it is in the common interest that no one should use his property badly. The following is the text of his rescript to Aelius Marcianus:

The power of owners over their slaves ought to be absolute, and no man's rights should be impaired. But it is in the interest of owners that protection against brutality or starvation or intolerable injustice should not be denied to those who rightly appeal against them.

You should therefore try the complaints of those slaves of Julius Sabinus who fled for refuge to the statue, and if your finding is that they have been treated more harshly than is proper, or that some disgraceful injustice has been done to them, then order them to be sold with the proviso that they should not return into the power of their present owner. And if Sabinus tries to evade the intent of my Constitution, let him know that when I find out I shall deal most severely with him.

The duty of the City Prefect to hear complaints of ill treatment by slaves is specified in *Digest* 1, 12.1.1 and 8; see *Digest* 40, 1.5 (No. **32** above) and also No. **5**, Ch. 53.

