*Papers of the British School at Rome* **79** (2011), pp. 71–94 © British School at Rome
doi:10.1017/S0068246211000043

# *MEN WITHOUT HOPE**

*by* Ulrike Roth

*The article argues that the passages typically employed to document the Romans' exploitation of chained slaves in the Italian countryside from the mid-Republic into the Principate actually have a quite different meaning. The* servus vinctus *mentioned by Columella, Pliny and others is a label that became attached to slaves who were subjected (at least once) to punishment through chaining. The punishment reduced the value of the slave and, hence, it was a requirement upon sale to indicate whether a slave had been subjected to such chaining, that is whether they were* servi vincti *or* servi soluti. *What the passages in question do not show is how the Romans worked these or other slaves. Whatever their working conditions, the fate of* servi vincti *became worse in the Empire as a result of the* lex Aelia Sentia *that decreed that* servi vincti *could not receive Roman citizenship upon manumission: they had thus become men without hope.*

*L'articolo arguisce che i passaggi di solito usati per documentare lo sfruttamento romano degli schiavi incatenati nella campagna italica dalla media-Repubblica al Principato, hanno in realtà un significato alquanto diverso. Il* servus vinctus *menzionato da Columella, Plinio e altri autori è un'etichetta che veniva attribuita agli schiavi soggetti (almeno una volta) alla punizione tramite incatenamento. La punizione riduceva il valore dello schiavo, per cui, era una condizione della vendita indicare se uno schiavo era stato soggetto ad una simile punizione, e quindi se si trattava di* servi vincti *o* servi soluti. *Ciò che i passaggi in questione non mostrano è come i Romani trattavano questi o altri schiavi. Qualunque fossero le loro condizioni di lavoro, il destino dei* servi vincti *divenne ancora peggiore durante l'Impero con la* lex Aelia Sentia*, che decretò che i* servi vincti *non potevano ricevere la cittadinanza romana dopo la manumissione: essi erano pertanto diventati uomini senza speranza.*

> coli rura ab ergastulis pessumum est, ut quidquid agitur a desperantibus
>
> (Farming done from the *ergastulum* is utterly bad, as is everything else done by men without hope)
>
> Pliny, *Naturalis Historia* 18.36

*It is a pleasure to thank Michael Crawford, Paul du Plessis, Samuel Havens, Jeremy Paterson and Dominic Rathbone for comments on earlier drafts, as well as audiences in Newcastle and Rome for their constructive criticisms and thoughts. Thanks also to the *Papers of the British School at Rome*'s anonymous referees for their many helpful observations.

Texts of classical authors are taken from the Loeb Classical Library, and texts of Justinian's *Digest* and Gaius's *Institutes* from the editions listed below; all translations are mine unless otherwise stated:

*The Digest of Justinian*. Latin text edited by T. Mommsen with the aid of P. Krüger. English translation edited by A. Watson, 4 vols (Philadelphia, 1985);

*The Institutes of Gaius*. Translated with an introduction by W.M. Gordon and O.F. Robinson, with the Latin text of Seckel and Kuebler (Ithaca (NY), 1988).

## INTRODUCTION

When Keith Hopkins argued that 'Roman writers on agriculture took it for granted that their readers' land would normally be worked by gangs of chained slaves',[1] he both summed up contemporary thinking on agricultural slavery in Roman Italy *and* set the agenda for future work:[2] after *Conquerors and Slaves*, many contributors to the debate have used much ingenuity and industriousness to figure out how, where and when the Romans made best use of a labour force that was restricted in its movement and labour capacity by chains round their ankles.[3] The modern image of the 'chained slave' arose directly from a number of crucial ancient texts that mention *vincti*, *compediti* or *alligati*: in particular, a letter of Pliny the Younger, duly cited by Hopkins in conjunction with a number of passages in Columella, and a couple of statements in Pliny the Elder's *Naturalis Historia*, of which the introductory quotation is a good example. There is, then, little doubt that our ancient authorities mention a type of slave they call the *servus vinctus*, *compeditus* or *alligatus*. At the same time,

[1] K. Hopkins, *Conquerors and Slaves* (Cambridge, 1978), 118.

[2] The 'chained slave' in Roman agriculture has been a staple of scholarship since the beginning of modern research on ancient slavery and is going strong to this day: see, for example, H. Wallon, *Histoire de l'esclavage dans l'antiquité*, 3 vols (Paris, 1879), II, 101; T. Mommsen, 'Die italische Bodentheilung und die Alimentartafeln', *Hermes* 19 (1884), 393–416, at p. 408; M. Weber, 'Die sozialen Gründe des Untergangs der antiken Kultur', in M. Weber (ed.), *Gesammelte Aufsätze zur Sozial- und Wirtschaftsgeschichte von Max Weber* (Tübingen, 1924), 289–311 (originally published in *Die Wahrheit* 6 (1896), 57–77); R.H. Barrow, *Slavery in the Roman Empire* (London, 1928), 83; A.N. Sherwin-White, *The Letters of Pliny. A Historical and Social Commentary* (Oxford, 1966), 256, and *Fifty Letters of Pliny* (Oxford, 1969), 108; H. Bellen, *Studien zur Sklavenflucht im Römischen Kaiserreich* (Wiesbaden, 1971), 19–23; R. Étienne, 'Recherches sur l'ergastule', in *Actes du colloque 1972 sur l'esclavage* (Paris, 1974), 249–66; M. Garrido-Hory, *Martial et l'esclavage* (Paris, 1981), 144; T.E.J. Wiedemann, *Greek and Roman Slavery* (Baltimore, 1981), 136; K.R. Bradley, *Slaves and Masters in the Roman Empire. A Study in Social Control* (Oxford, 1984), 120; A. Carandini, *Schiavi in Italia. Gli strumenti pensanti dei Romani fra tarda Repubblica e medio Impero* (Rome, 1988), 36; W. Backhaus, '*Servi vincti*', *Klio* 71 (1989), 321–9; K.R. Bradley, *Slavery and Rebellion in the Roman World, 140 BC–70 BC* (Bloomington, 1998), 27; M. Garrido-Hory, *Juvénal. Esclaves et affranchis à Rome* (Paris, 1998), 112; L. Schumacher, *Sklaverei in der Antike. Alltag und Schicksal der Unfreien* (Munich, 2001), 98; S. Knoch, *Sklavenfürsorge im Römischen Reich. Formen und Methoden* (Hildesheim/Zurich/New York, 2005), 152; J. Webster, 'Archaeologies of slavery and servitude: bringing 'New World' perspectives to Roman Britain', *Journal of Roman Archaeology* 18 (2005), 161–79, at p. 166; J. Andreau and R. Descat, *Esclave en Grèce et à Rome* (Paris, 2006), 119; A. Marzano, *Roman Villas in Central Italy. A Social and Economic History* (Leiden/Boston, 2007), 149; E. Dal Lago and C. Katsari, 'Ideal models of slave management in the Roman world and in the ante-bellum American South', in E. Dal Lago and C. Katsari (eds), *Slave Systems. Ancient and Modern* (Cambridge, 2008), 187–213, at p. 198; E. Herrmann-Otto, *Sklaverei und Freilassung in der Griechisch-Römischen Welt* (Hildesheim/Zurich/New York, 2009), 152–3; H. Mouritsen, *The Freedman in the Roman World* (Cambridge, 2011), 144.

[3] For discussion of the various arguments, see O. Stoll, '*Servi Vincti* im römischen Weinbau. Restriktive Maßnahme zur Verhinderung der Flucht von Fachkräften oder Ausdruck 'ökonomischer Rationalität'?', *Münsterische Beiträge zur Antiken Handelsgeschichte* 18 (1999), 91–6.

there is plenty of evidence for the fact that the Romans knew of chaining as a form of punishment for slaves. Despite a dearth of archaeological evidence,[4] both Republican and Imperial writers document the practice: references to chains and chaining litter the Plautine comedies;[5] and the Imperial counterpart can be seen best in the legal sources,[6] but is not less evident for instance in the work of Columella.[7]

Nevertheless, the modern construct of the 'chained slave' — the slave set to work in chains in the fields of the Roman élite — conjured up by Hopkins and others has no ancient counterpart. This may seem an odd statement given the admission that our ancient authorities mention the *servus vinctus*, and that the Romans punished slaves with chaining. Yet, in what follows, I wish to take to task once more the passages that are at the core of the modern image of the 'chained slave': I contend that whilst the Romans knew of chaining as a punishment for slaves, their land would *not* normally be worked by gangs of chained slaves. More to the point, I argue that the figure of the 'chained slave', set to work in the grain fields, olive groves and vineyards of ancient Italy, is a modern invention; and that the *servus vinctus* of our ancient sources has quite a different meaning altogether. Once revealed, this meaning allows us to gain a new perspective on the sense of nostalgia that permeates the passages in our early Imperial writers; and to open a

[4] The remains of a human skeleton with iron shackles ('cerchi di ferro') in one of (possibly) three subterranean rooms in the Villa delle Colonne a Mosaico on the Via delle Tombe at Pompeii might be the sad relic of this practice; it is in any case *sui generis*: *Notizie degli Scavi di Antichità* (1910), 253–62 (G. Spano, 'Scavi nella villa detta delle colonne a mosaico, nel lato orientale della Via delle Tombe'), at pp. 259–60. For general discussion of the evidence for chains and chaining (within and outwith Roman agriculture), see F.H. Thompson, 'Iron age and Roman slave-shackles', *The Archaeological Journal* 150 (1993), 57–168, at pp. 141–64, and F.H. Thompson, *The Archaeology of Greek and Roman Slavery* (London, 2003), 217–38. Concerning the dearth of (identified) *ergastula*, see Étienne, 'Recherches sur l'ergastule' (above, n. 2), 264, and Thompson, *The Archaeology of Greek and Roman Slavery* (above), 242–4; but note the words of warning concerning the restricted basis for identification of such structures by Webster, 'Archaeologies of slavery and servitude' (above, n. 2), 166–8, and Marzano, *Roman Villas in Central Italy* (above, n. 2), 148–53.

[5] For example: *Bacchides* 2; *Captivi* 722, 729–30, 734, 944; *Menaechmi* 974; *Mostellaria* 19. The Plautine references to punishment through chaining fall, like those in Terence, outwith the context of agricultural labour proper: U. Roth, 'Comic shackles', *Mnemosyne* 65 (2012).

[6] For example, *Digest* 4.3.7.7 (Ulpian) and *Institutiones* (Justinian) 4.3.16; see also Seneca, *De Ira* 3.32.1, 3. All these passages deal with chaining outwith a context of agricultural estate management. For general discussion of slave punishment in Roman law, see A. Watson, *Roman Slave Law* (Baltimore/London, 1987), 115–33.

[7] For example, Columella, *De Re Rustica* 1.8.16, 11.1.22 (see also n. 31). Chaining was known also in the context of confinement to a prison for both free and slave (see, for example, Twelve Tables 3.3, Livy 32.26.18) or for forced labourers, real or imagined (see, for example, Ovid, *Tristia* 4.1.5, *Epistulae ex Ponto* 1.6.31). For modern discussion see, for example, the various contributions in C. Bertrand-Dagenbach, A. Chauvot, M. Matter and J.-M. Salamito (eds), *Carcer. Prison et privation de liberté dans l'antiquité classique* (Paris, 1999); J.-U. Krause, *Gefängnisse im Römischen Reich* (Stuttgart, 1996), 283–6; and F. Millar, 'Condemnation to hard labour in the Roman Empire, from the Julio-Claudians to Constantine', *Papers of the British School at Rome* 52 (1984), 124–47, at p. 132.

new window onto these writers' views on the period of transition between Republic and Empire above and beyond the remit of agriculture.

## I

That '… chained slaves (*servi vincti*) … worked in the fields' is, then, a matter typically taken for granted by modern scholars.[8] Yet, this assumption is actually, as we shall see in this first section, not borne out by the evidence typically adduced in its support.

### *VINCTI* AT THE MARKET

Was Pliny unusual? Going by his comments on agricultural slave labour expounded in his letter to his friend Calvisius Rufus,[9] asking for advice on the possible purchase of the estate adjacent to Pliny's in Tifernum Tiberinum, many have thought thus. The estate, as Pliny informs his friend, had repeatedly been run down by bad cultivation, despite being of high natural fertility. The tenants had lost much of their resources and equipment. Consequently, should Pliny choose to acquire it, he would need to re-equip the tenants appropriately. It is at this stage of the letter that Pliny produces the following passage:[10] 'Sunt ergo instruendi, eo pluris quod frugi, mancipiis; nam nec ipse usquam **vinctos** habeo nec ibi quisquam'. It was translated by Betty Radice for the Loeb Classical Library thus:[11] 'They [= the tenants] will have to be set up and given a good type of slave, which will increase the expense; for nowhere do I employ **chained slaves** myself, and no one uses them there' (my emphases).

As the Loeb translation implies, the passage is seen to document the employment of slaves in chains in the fields of their Roman masters — even if not by Pliny. Hopkins's short comment on the passage is indicative of the modern take: he argued that Pliny '… made a special point of the fact that he and neighbouring land-owners did not use chained gangs. This makes sense only if it was common in some other places …'.[12] In (t)his view, Pliny was unusual — and the 'chained slave' usual.

---

[8] Webster, 'Archaeologies of slavery and servitude' (above, n. 2), 166.

[9] Pliny, *Epistulae* 3.19.

[10] Pliny, *Epistulae* 3.19.7.

[11] A.-M. Guillemin, *Pline le Jeune, Lettres*, *Tome 1^er^ (Collection des Universités de France, l'Association Guillaume Budé)* (Paris, 1927), translated similarly: 'Il faut donc les monter et, ce qui augmentera la dépense, en bons esclaves; car je n'emploie nulle part des esclaves à la chaîne pour la culture et ici personne ne le fait'. The commentary explains that '… Pline ne veut pas d'esclaves de seconde qualité qu'il faudrait enchaîner …': 138, n. 1.

[12] Hopkins, *Conquerors and Slaves* (above, n. 1), 118, n. 40. So also Keith Bradley in his *Slaves and Masters* (above, n. 2), 120, n. 42, when stating that Pliny '… avoided chain-gangs, unusually'.

But Pliny's comment on *vincti* only serves to qualify the preceding sentence; and in that the stress is on the expense to be incurred by Pliny in the purchase of slaves for his tenants. As is well known, slaves came at different prices at the market, depending largely on their age, sex and skill.[13] A lack of capacity or a (character) fault were similarly influential on the price. Not surprisingly, therefore, slaves were subject to clear labelling by the vendor. In his discussion of the legal situation, W.W. Buckland wrote that '[i]t was a direction that on sales of slaves an inscription should be affixed setting forth any *morbus* or *vitium* of the slave, and announcing the fact, if the slave was *fugitivus* or *erro* or *noxa non solutus* …'.[14] The need to place an inscription on the slave subsequently was replaced through the Edict of the Aedile by a declaration. Book 21 of Justinian's *Digest*, which deals with the Edict of the Aedile, is packed with discussion of what constitutes a defect in a slave that was subject to declaration, that is a fault that reduced the value of the slave.[15] Chaining was considered one such fault: Marcellus notes that the value of a slave who had been put into chains temporarily as a punishment by his owner subsequently was reduced; and that this was also the opinion of Ulpian.[16] Marcellus's discussion also makes it clear that a slave's action that led to the chaining of the slave as a punishment — regardless of whether the slave deserved the punishment or not — was subject to declaration on the auction block.[17] Concerning the actual sale of the slave, Pomponius, in his commentary on Sabinus, states that it was much preferable to actually sell a slave *in chains* if the slave *had been* chained, so as to avoid the necessity of the (verbal) declaration of the slave's past otherwise demanded by the Edict:[18] 'Ei, qui **seruum uinctum** uendiderit, aedilicium edictum remitti aequum est: multo enim amplius est id facere, quam pronuntiare **in uinculis fuisse**' ('It is reasonable that the aedilician edict should not be invoked in the case of someone who sells **a**

[13] See, for example, the price differentials for slaves in Diocletian's Prices Edict: B. Salway, 'MANCIPIVM RVSTICVM SIVE VRBANVM. The slave chapter of Diocletian's Edict on maximum prices', in U. Roth (ed.), *By the Sweat of Your Brow. Roman Slavery in its Socio-Economic Setting* (London, 2010), 1–20.

[14] W.W. Buckland, *The Roman Law of Slavery* (Cambridge, 1908), 52. For a highly accessible account of slave sales, see J.A. Crook, *Law and Life of Rome* (London, 1967), 181–6.

[15] The jurists even went so far as to define a defect in a slave (that needed declaration) as one attested not only through action but also by mere inclination. A *fugitivus*, for instance, was understood not only as a slave who had run away at least once, but one '… who has shown that he is *fugax* — inclined to run away': Buckland, *The Roman Law of Slavery* (above, n. 14), 55.

[16] *Digest* 20.1.27 (Marcellus): 'Seruum, quem quis pignori dederat, ex leuissima offensa uinxit, mox soluit, et quia debito non satisfaciebat, creditor minoris seruuum uendidit' ('A man who had given a slave as a security chained the slave for a minor offence, then unchained him. The debt was not redeemed, and the creditor sold the slave for less').

[17] The sale of slaves was not the only occasion that required an assessment of the slave's monetary value; it was equally necessary, for instance, in order to use the slave as a security, as the passage from Marcellus cited above (n. 16) also implies: P. du Plessis, 'The slave in the window', in Roth (ed.), *By the Sweat of Your Brow* (above, n. 13), 49–60, esp. pp. 55–60.

[18] *Digest* 21.1.48.3 (Pomponius).

**slave chained**; to act thus is much better than to verbally declare that the slave **has been in chains**') (my emphases).

In other words, the fact that the slave had been put in chains previously required announcement on the slave-trader's platform, in one way or another: and to do so through actually chaining the slave on the auction block was a possibility. More importantly, though, for present purposes, this also meant that a slave once punished through chaining had hence become a 'chained slave', a *servus vinctus* — whether the slave was subsequently or indeed currently subject to chaining (as punishment) or not; and that the term '(*servus*) *vinctus*' had, in turn, become shorthand for 'qui servi a dominis poenae nomine vincti sunt', the longer phrase used by Gaius for those who have at sometime or another been fettered by their master as a punishment.[19] Thus, *the label of the chained slave*, the attribute of being a *servus vinctus*, had become attached to the slave — and remained with the slave like a brand, for its cause was seen as a permanent defect — like a female slave's barrenness — in need of unambiguous declaration.[20] And although masters obviously reduced the value of their human chattel through such punishment,[21] there is, as stated at the outset, plenty of evidence to document the fact that Roman slave owners considered chaining a suitable means of coercion for their slaves.[22] It follows that, in a very structural sense, there were better and lesser slaves available from the auction block or the market, to be labelled clearly accordingly: *servi soluti* and *servi vincti* (or *alligati* or *compediti*);[23] and that, consequently, such

[19] Gaius, *Institutes* 1.13. For full discussion of the text, see below (and n. 80). Importantly, 'qui servi a dominis poenae nomine vincti sunt' are not identical with those put into 'perpetua vincula'; the latter's punishment is of a permanent nature (which is unique amongst punishments in the Roman world): Bellen, *Studien zur Sklavenflucht* (above, n. 2), 23–34; Millar, 'Condemnation to hard labour' (above, n. 7), 142; and Krause, *Gefängnisse im Römischen Reich* (above, n. 7), 1–7. It is in any case clear that the jurists' focus in their discussion of *servi vincti* is on slaves who had been put into chains temporarily by their masters as an act of coercion.

[20] The idea already was floated by Eduard Norden in the context of a study of Roman religion, but without great force or argument: *Aus Altrömischen Priesterbüchern* (Lund/Leipzig, 1939), 263, n. 3.

[21] *Pace* Backhaus, '*Servi vincti*' (above, n. 2), 329, who regarded an identification of *servi vincti* with a lesser (and cheaper) type of slave as 'realitätsarm'. Chaining damaged a person's reputation and standing, his or her *existimatio*, as it was regarded as inflicting *infamia*: Millar, 'Condemnation to hard labour' (above, n. 7), 131; but see also n. 89 below.

[22] The Roman evidence does not allow for an assessment of the regularity of chaining as a means of coercion, or for an assessment of the role played by chaining in the whole spectrum of punishments experienced by slaves. But I would not be surprised to learn that a reluctance to punish through chaining was not unique to modern slave owners, for example in the American South. It is notable in this context that in the American slave narrative, the chaining of slaves in combination with agricultural labour has been explored as an element of excessive masterly cruelty, rather than an aspect of normality of slave life: *The Narrative of William W. Brown, a Fugitive Slave* (Boston, 1847), republished in Y. Taylor (ed.), *I Was Born a Slave. An Anthology of Classic Slave Narratives*, 2 vols (Chicago, 1999), I, 684–717.

[23] The distinction is also made by Seneca, *Epistulae Morales* 47.9.

*servi vincti* would be found amongst the people reduced to slavery by the Romans.[24]

And they would have been found by Pliny in his imagined market-place: what our man from Como is talking about in his letter to Calvisius Rufus is, then, not the pros and cons of the exploitation of chain-gangs on one's fields (vis-à-vis the use of freely moving slave labourers), but rather about the impact on his purse if he provided his tenants with the better type of slave instead of the type that would leave only a minor, or in any case a lesser, mark on his budget — that known as the *servus vinctus* and advertised on the slave markets accordingly, available cheap because the slaves' past required the appropriate label, causing a depreciation in the value of the slave: slaves that were (at least once) subjected to chaining, and that, therefore, were not the preferred type, but *improbi* — clearly counterpositioned by Pliny with those who are *frugi*, hard-working and honest. Logically, the passage is followed by a declaration of Pliny's finances, which frames the exchange on the type of slave needed for the Tifernum estate.

What Pliny does not tell us is how he expected his tenants to work these (or other) slaves. It is notable, then, that what Pliny does imply, if we wish to take his words at face value, is a general reluctance — at least in northern Umbria — to make use of slaves that were known to have experienced chaining as a punishment. It would also suggest, in turn, that, again if taken at face value, masters in the upper Tiber valley at least were usually surrounded by the better type of slave, a point evidently dear to Pliny's heart, and, what is more, part of the discourse of the upper circles in Como too — for Pliny's Transpadane neighbour Plinius Paternus appears equally well versed in this matter.[25] Whatever the geographic implications of Pliny's comment are, it is obvious that the passage quoted above provides no evidence for the use of chained labour or the employment of slave chain-gangs in the fields of the Roman élite. Rather, Pliny's concern is with the *type* of slave *to be bought*; and with an attempt at self-fashioning that makes him produce the snippet in question: 'for I do not use *vincti* myself, and neither does anyone else there', would make for a better rendering, avoiding translation of the contemptuous word for lack of an (English) equivalent.

## *VINCTI* IN THE VINEYARD

Whether or not Pliny actually avoided *servi vincti*, he did not make a direct connection between these slaves and any specific area of work on the estate. Such a connection, however, typically is seen in a number of other writers. First, there is Cato's mention of *compediti* in his *De Agricultura*: in the context of the general organization of a wine-producing estate, Cato offers the

[24] Slaves were not the only *vincti* known to the Romans: L. Wenger, 'Vinctus', *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte* 61 (1941), 355–78.

[25] Pliny, *Epistulae* 1.21; see also *Epistulae* 8.16.

following food ration recommendation:[26] 'Familiae cibaria. Qui opus facient per hiemem tritici modios IIII, per aestatem modios IIII S, vilico, vilicae, epistatae, opilioni modios III, **conpeditis** per hiemem panis P. IIII, ubi vineam fodere coeperint, panis P. V, usque adeo dum ficos esse coeperint, deinde ad P. IIII redito' (my emphasis). The passage was translated by William Davis Hooper for the Loeb Classical Library thus: 'Rations for the hands: Four modii of wheat in winter, and in summer four and a half for the field hands. The overseer, the housekeeper, the foreman, and the shepherd should receive three. The chain-gang should have a ration of four pounds of bread through the winter, increasing to five when they begin to work the vines, and dropping back to four when the figs ripen'.

The brief commentary to the translation states that '(t)he field hands, and especially the unruly, were chained together, and at night kept in an underground prison, the *ergastulum*': both translation and interpretation sum up well the scholarly agreement on the matter under discussion here, that is to understand Cato's reference to *compediti* as evidence for the employment of gangs of chained slaves in viticulture. And in the lack of any other meaning for the word, this translation and interpretation seem natural. In fact, if this were the only text we had that mentioned *compediti* (or *vincti* or *alligati*), one would probably not be able to question the translation and interpretation traditionally attached to it. But Cato is not alone in mentioning *vincti* in the context of a wine-producing estate.

Another, not less often cited, passage to document the Romans' use of chain-gangs for the cultivation of their vineyards is in Columella's *De Re Rustica*. In book 1, Columella regrets the need for the employment of *alligati* in the vineyards; the passage reads as follows:[27]

> Vineae non sic altos quemadmodum latos et lacertosos viros exigunt, nam hic habitus fossuris et putationibus ceterisque earum culturis magis aptus. Minus in hoc officio quam in ceteris agricolatio frugalitatem requirit, quia et in turba et sub monitore vinitor opus facere debet ac plerumque velocior animus est improborum hominum, quem desiderat huius operis conditio. Non solum enim fortem, **sed et acuminis strenui ministrum postulat, ideoque vineta plurimum per alligatos excoluntur**. Nihil tamen eiusdem agilitatis homo frugi non melius quam nequam faciet. [My emphasis.]

The translation offered by Harrison Boyd Ash for the Loeb Classical Library demonstrates well the typical understanding of the passage:

> Vineyards require not so much tall men as those who are broad-shouldered and brawny, for this type is better suited to digging and pruning and other forms of viticulture. In this department husbandry is less exacting in the matter of thrift than in the others, for the reasons that the vinedresser should do his work in company with others and under

[26] Cato, *De Agricultura* 56; see also *De Agricultura* 57. Unlike Cato, Varro is mute on the topic of *vincti* and chaining as a means of punishment, but he mentions the whip (next to words) as a means of coercion: *De Re Rustica* 1.17.5.

[27] Columella, *De Re Rustica* 1.9.4.

> supervision, and because the unruly are for the most part possessed of quicker understanding, which is what the nature of this work requires. For it demands of the helper that he be not merely strong but also quick-witted; **and on this account vineyards are commonly tended by slaves in fetters**. Still there is nothing that an honest man of equal quickness will not do better than a rogue. [My emphasis.]

Like Cato, who distinguishes the *compediti* from other members of the *familia*, Columella, too, makes a number of important distinctions here; but he does so in much greater detail — which allows us to unpack his understanding of *alligati* as well as to contextualize Cato's cryptic comments.

First, then, Columella associates a quick and bright mind in a slave with a lack of obedience and virtue. The catch-22, however, is apparent: for vine-dressing requires a certain amount of brains and mental ability (in addition to physical strength), that is, those attributes typically found, according to Columella, in the less virtuous slave, which is precisely why these slaves, when at work in the vineyards, are kept in check through close supervision — both by way of observation through a taskmaster and through peer-group pressure: 'in turba et sub monitore vinitor opus facere debet'.[28]

It is actually decisive that Columella foregrounds these two aspects — in place of the whip (or chains) — to extract maximum labour from his slaves in the fields: here, as elsewhere, he emphasizes his general preference for the employment of slaves of a better quality, and in book 3 criticizes outright the opinion of people who regard it as acceptable to purchase any old slave, 'even some culprit from the auction block', for vine-dressing.[29] If read in conjunction with the above passage, we can see how in Columella's logic such slaves are likely to be *alligati*, the equivalent of Pliny's *vincti* in his letter to Calvisius Rufus, that is slaves whom their masters regarded as devious, or in any case less obedient than others, and who, consequently, had been subject to severe punishment, carrying thereafter the appropriate label with them. And like Pliny, Columella counterpositions these slaves with those who are *frugi*: a moral verdict *par excellence*, but not an attempt to describe the slaves' working conditions.[30] Manifestly, *vincti* were the lesser type of slave in the masters' mind — *homines nequam*. Yet, because of their intelligence, they were regarded as useful for tasks that required more than just muscles — vine-dressing for instance. But to assume that Columella here suggests that the slaves he calls *alligati* worked in chains in the vineyards of their masters remains without any support. Indeed,

[28] The practicalities of the gang system are elaborated by Columella for ordinary slave labourers in *De Re Rustica* 1.9.6–8, and briefly discussed in K.R. Bradley, *Slavery and Society at Rome* (Cambridge, 1994), 74–5.

[29] Columella, *De Re Rustica* 3.3.8: '… quem vulgus quidem parvi aeris, vel de lapide noxium posse comparari putat …'.

[30] Naturally, the order is the other way round: it is likely that Pliny made good use of Columella (and earlier writers) in his discussion of *vincti*, as he did on other occasions — for example when describing his estate (*Epistulae* 5.6), which has so much in common with the prescriptions of the agricultural writers for the ideal estate.

Columella's comments on the slaves that *are* chained as a punishment is unambiguous about the slaves' physical detention in the *ergastulum*.[31] It makes more sense, therefore, to render the phrase that has led to confusion in the same manner as the passage in Pliny's letter to Calvisius Rufus: 'that's why vineyards are often tended by *alligati*'.

Coming back to the *De Agricultura*, we can begin to understand better what Cato says, which Columella partially untangles for us through his explanation of the association of *servi vincti* with vineyards. Following his lead, there is no need to understand Cato's *compediti* in a literal sense, that is as gangs of slaves set to work in the vineyard in fetters. Leaving aside, here, the possibility of comprehending Cato's mention of work in the vineyard merely as a temporal indication, these slaves are understood better as the equivalent of Columella's *alligati* — and Pliny's *vincti* — no matter what their more specific labour duties. But despite Cato's so very brief mention of these slaves, he perhaps opens here a unique window onto these slaves' differentiated treatment that merits further exploration, as regards not just dietary matters, but also work and family arrangements.[32] In the meantime, in any case, we would do better if we stuck to the Latin — *compediti* — when translating the relevant bits in Cato's *De Agricultura*.

## *VINCTI* AND ESTATE MANAGEMENT

The Columellan passage just discussed is of course reminiscent of a remark of Pliny the Elder in his *Naturalis Historia* about the right kind of overseer for one's estate. As with Pliny the Younger's letter to Calvisius Rufus, Columella's discussion of slave labourer types, and Cato's food ration scheme, this passage

[31] Columella, *De Re Rustica* 1.8.16: 'Nam illa sollemnia sunt omnibus circumspectis, ut ergastuli mancipia recognoscant, ut explorent an diligenter vincti sint, an ipsae sedes custodiae satis tutae munitaeque sint, num vilicus aut alligaverit quempiam domino nesciente aut revinxerit. Nam utrumque maxime servare debet, ut et quem pater familiae tali poena multaverit, vilicus nisi eiusdem permissu compedibus non eximat et quem ipse sua sponte vinxerit, antequam sciat dominus, non resolvat' ('Again, it is the established custom of all men of caution to inspect the slaves in the *ergastulum*, to find out whether they are carefully chained, whether the places of confinement are quite safe and properly guarded, whether the *vilicus* has put anyone in fetters or removed his shackles without the master's knowledge. For the *vilicus* should be most observant of both points — not to release from shackles anyone whom the *paterfamilias* has subjected to that kind of punishment, except by his leave, and not to free one whom he himself has chained on his own initiative until the master knows the circumstances' (trans. H.B. Ash, Loeb Classical Library, 1948, with minor adaptations)). Columella repeats the essence of his recommendations in his instructions to the *vilicus*: *De Re Rustica* 11.1.22. It is noticeable that Columella implies in both passages that the period of punishment through chaining and time in the *ergastulum* is not permanent.

[32] Cato's ration scheme is based on the assumption of family life amongst the ordinary members of the *familia* as well as amongst the slaves of highest status at the estate (for example the management slaves): U. Roth, *Thinking Tools. Agricultural Slavery between Evidence and Models* (London, 2007), 26–52.

regularly has been used also to demonstrate the employment of chain-gangs in the fields of aristocratic Romans:[33] 'Dehinc peritia vilicorum in cura habenda est, multaque de his Cato praecepit. nobis satis sit dixisse quam proximum domino corde esse debere et tamen sibimet ipsi non videri. **coli rura ab ergastulis pessumum est, ut quidquid agitur a desperantibus**'. And the translation of Harris Rackham for the Loeb Classical Library runs as follows:[34] 'The next point requiring attention is the efficiency of bailiffs, and Cato has given many instructions with regard to these. Let it be enough for us to say that the bailiff ought to be as near as possible to his master in intelligence, and nevertheless not think so himself. **Farming done by slave-gangs hired from houses of correction is utterly bad, as is everything else done by desperate men**' (my emphases).

As the Loeb translation implies, Pliny's *desperantes*, Rackham's 'desperate men', or Peter Brunt's 'men without hope',[35] a term I have adopted, typically are understood to be slave labourers put to work in the fields in chains and otherwise locked away in the *ergastulum*. Moreover, Pliny's *dictum* has been dissected repeatedly by scholars into two distinct parts: one concerning advice on the *vilicus*, the other regarding advice on the agricultural slave labourers, the slave-gangs as Rackham put it, on the estate. Furthermore, the passage has been used to argue that Pliny the Elder, just like Pliny the Younger, disagrees with Columella on the need to use chained slave labourers at least for some tasks.[36] The problem with this interpretation is, as we shall see, that the above passage does not refer to ordinary slave labourers; it illustrates rather Pliny's remarks on the *vilicus*. These, in turn, are influenced, as Pliny happily admits, by Cato's thoughts on the matter,[37] but echo even more Columella's comments — despite Pliny's lack of due acknowledgement here;[38] and they can be understood fully only if read in conjunction with these.

Like Cato and Columella, then, Pliny is eager to offer some remarks on the best type of *vilicus*, albeit in a much more condensed form than his predecessors. In

[33] Pliny, *Naturalis Historia* 18.36.

[34] H. Le Bonniec, *Pline l'Ancien, Histoire naturelle, Livre XVIII* (*Collection des Universités de France, l'Association Guillaume Budé*) (Paris, 1972), translated similarly: 'Il faut ensuite se soucier d'avoir des régisseurs compétents, et Caton a donné à ce sujet bon nombre de préceptes. Qu'il nous suffise de dire que le régisseur doit être presque aussi compétent que son maître, sans avoir pourtant cette bonne opinion de lui-même. Employer à la culture des esclaves aux chaînes donne des résultats détestables, comme tout ce que font des hommes sans espoir'. The commentary states that '(c)es *uincti* étaient surtout utilisés dans l'exploitation des grandes propriétés …': 200, § 36.2.

[35] P.A. Brunt, 'Labour', in J. Wacher (ed.), *The Roman World*, 2 vols (London/New York, 1987), II, 701–16, at p. 707; but note that Brunt seemed to think that Pliny calls all slave field-workers in Italy thus (and followed in this a lead given by Theodor Mommsen in a quite different context: *Römisches Staatsrecht*, 3 vols (Leipzig, 1887–8), III, 598, n. 2).

[36] R. Martin, 'Pline le Jeune et les problèmes économiques de son temps', *Revue des Études Anciennes* 69 (1967), 62–97, at pp. 85–7.

[37] Cato, *De Agricultura* 5.

[38] Columella, *De Re Rustica* 1.8.1–14. Pliny lists Columella as one of his sources for book 18 earlier on: *Naturalis Historia* 1 (book 18).

this endeavour, he compresses some of the points made by Columella about the character and nature of the *vilicus*.[39] The latter frames his comments on the choice of *vilicus* quite explicitly by discussion of the right type of slave for the job. In the first instance, Columella recommends not to appoint a *vilicus* who is physically attractive, or who is used to the luxuries of town life: such slaves are lazy and up to mischief at all times.[40] Instead, Columella counsels as follows:[41] 'Eligendus est rusticis operibus ab infante duratus et inspectus experimentis. Si tamen is non erit, de iis praeficiatur qui servitutem laboriosam toleraverunt …' ('A man is to be chosen who has endured agricultural labour from childhood on, and who has been tested by experience. Yet, if such a person does not exist, one is to be put in charge from those who have borne a laborious servitude …').

The situation is clear: the *vilicus* is to be chosen from amongst the slaves experienced in farm work from an early age; or, alternatively, from amongst those slaves who have behaved themselves appropriately and who are known to do their work without any hassle. This final prescription is very important in the light of the fact that Columella advises also that the *vilicus* ought to be of an active state of mind (*vigens sensus*), as well as in possession of a retentive intellect (*memoria tenacissima*):[42] for according to Columella's assessment of slaves possessing of such capacities, which we encountered earlier on, the pool of slaves from which one can choose is likely to contain individuals who are prone to use their cleverness in a way disliked by their masters — and who may therefore have been punished through chaining and the occasional period in the *ergastulum*: our *servi vincti*, *compediti*, *alligati*. And it is precisely from this type of slave, brains or no brains, that one should under no circumstances choose one's *vilicus*. For work as an ordinary field labourer or vine-dresser, under due control through a taskmaster and peer-group pressure, *servi vincti* are perfectly acceptable, although not Columella's first choice. But to put one of those who have experienced the *ergastulum* and who struggle with their lot as slaves in control of one's farm, no doubt would prove ruinous.

If we now return to Pliny, the parallel is immediately obvious, even if Pliny has done his best to compress the matter to excess. Like Columella, Pliny advises the selection of a *vilicus* who is of the necessary intelligence, but counsels against the appointment of one who does not realize his limits, and who puts (t)his intelligence to unwanted use: 'nobis satis sit dixisse quam proximum domino corde esse debere et tamen sibimet ipsi non videri'. And he supports his counsel by reference to a commonplace — namely that those who know the *ergastulum* make for bad *vilici* (and everything else): 'coli rura ab ergastulis pessumum est, ut quidquid agitur a desperantibus'. In fact, the passage is crucial for the argument presented here: for it is completely inconceivable that Pliny could

[39] The standard discussion of the *vilicus* in Roman agriculture is J. Carlsen, Vilici *and Roman Estate Managers until* AD *284* (Rome, 1995), 57–101.
[40] Columella, *De Re Rustica* 1.8.1.
[41] Columella, *De Re Rustica* 1.8.2.
[42] Columella, *De Re Rustica* 1.8.4, 11.1.6.

imagine the potential *vilicus* to come from amongst slaves who are actually or even permanently chained, 'de jour et de nuit' as Robert Étienne put it,[43] and imprisoned in the *ergastulum*; no one, no doubt, would ever consider this anyway, and to advise against it thus would be bare of any meaning. Here, then, as in the passages discussed above, the label describes the slaves' perceived character, identified in past behaviour, rather than their current location or treatment. It comes as no surprise that the views expressed by Pliny, like the underlying conceptualizations, are, in essence, identical with those of his predecessor, and with those of his nephew. Nor should we be astonished to realize that the section in which Pliny places his discussion of the *vilicus* is followed by a discussion of farm and slave management, including a reminder of the importance of due and timely labour arrangements — as Columella, from whom he borrowed, had done too.[44]

## INTERIM CONCLUSION

As is evident from the passages discussed so far, our ancient agricultural authorities regarded and conceptualized slaves subjected to punishment through chaining and time in the *ergastulum* as the least amongst the 'slave breeds'[45] — to be recognized and known by the one single common denominator that these slaves' past embraced — regardless of what caused the punishment. That Roman poetry should on occasion portray these slaves' station more graphically by alluding to the rattling of chains in the Italian countryside should neither surprise nor confuse:[46] it goes in any case without saying that even without fetters and shackles whilst at work in the vineyards, grain fields, olive groves or elsewhere on the estate, the lot of slaves (who had been) subjected to chaining as a punishment was anything but enviable. But beyond Cato's cursory comments on these slaves' food allowances, and Columella's brief considerations of their treatment during the period of chastizement, we are told little in general by the sources under discussion of how *servi vincti* were to be treated, and what kinds of work they typically were put to, during or after their punishment; and their more precise labour and living conditions may well remain a mystery.[47] But at least we can be fairly certain that the passages that feature them, and that typically have been employed as evidence for the use of chained slave labour in the fields of the

[43] Étienne, 'Recherches sur l'ergastule' (above, n. 2), 264.

[44] Pliny, *Naturalis Historia* 18.37–47; Columella, *De Re Rustica* 11.1.29–32 (who in fact follows up with a whole year's calendar for agricultural labour: *De Re Rustica* 11.2).

[45] 'servorum genera': Columella, *De Re Rustica* 1.9.9. Ulpian uses the term *ordo mancipiorum*: *Digest* 7.1.15.2.

[46] For example, Martial 9.22.4. See also Tibullus 1.7.42 (but note that there is no reference to slaves) and 2.6.25–9 (but note that there is no reference to the countryside). It is notable that Tibullus employs in book 2 the image of the rattling chains to explore the delusion of false hope.

[47] I plan to discuss the work and living arrangements of *servi vincti* in a future article.

Roman élite from Cato onwards, have in fact nothing to do with it. And with the lack of evidence from which the use of slave chain-gangs cultivating their master's vineyards in shackles or harvesting their master's grain in fetters can be extracted, the time has come to abandon the concept for good.[48]

## II

One of the fringe benefits of the analysis of the *servus vinctus* conducted here is that the sources discussed so far document the use of punishment through chaining in the Romans' management of their agricultural slave labour force from the beginning of the second century BC to the end of the first century AD — that is they bear witness to a continuity in the Romans' slave management. Yet, the early Imperial discourse from which the passages discussed at greater length above have been taken implies not a continuity but a change (for the worse) in the quality of the slave labour force, and in the productivity of agricultural estates, between Republic and Empire. More to the point, our early Imperial writers are full of nostalgia for the old days, and critical of a shift experienced in their own age. This shift typically is understood by modern scholars to relate to changes in landholding patterns and production units, as well as in the provisioning of the slave labour force, that is to the rise of a different, and much larger, type of estate: the debate over Pliny the Elder's famous remark that *latifundia* have destroyed Italy — *latifundia perdidere Italiam* — is a good example of this.[49]

In the past, modern scholars have been keen in particular to investigate the changes implied by this and other comments in our literary sources from the point of view of a 'crisis' that affected *tota Italia* more or less equally and simultaneously; this approach is now largely out of fashion, and replaced by analysis of regional differentiation.[50] The new orthodoxy places, rightly,

[48] Various passages in Roman comedy, as well as a single passage in Varro's *De Re Rustica*, have been employed erroneously in the past to document the 'chained slave' in Roman Republican agriculture. But Plautus and Terence do not actually refer to agricultural field labour, whilst Varro refers to sheep, not men: Roth, 'Comic shackles' (above, n. 5); and U. Roth, 'No more slave-gangs: Varro, *De Re Rustica* 1.2.20–1', *Classical Quarterly* 55 (1) (2005), 310–15.

[49] Pliny, *Naturalis Historia* 18.35. For an overview of ancient and modern uses of the term, see K. D. White, '*Latifundia*', *Bulletin of the Institute of Classical Studies* 14 (1967), 62–79.

[50] The classic sketch of the crisis that befell the Italian countryside in the first century AD is that by M.I. Rostovtzeff, *The Social and Economic History of the Roman Empire*, second edition (Oxford, 1957), 199; this sketch was enhanced substantially through the undertaking that produced A. Giardina and A. Schiavone (eds), *Società romana e produzione schiavistica*, 3 vols (Bari, 1981), itself a reaction to the argument for continuity put forward not least by Moses Finley, in *The Ancient Economy* (Berkeley, 1973). The modern reply to the 'narrative of crisis' can, in turn, be seen in the work of John Patterson: 'Crisis: what crisis? Rural change and urban development in Imperial Appennine Italy', *Papers of the British School at Rome* 55 (1987), 115–46, and *Landscapes and Cities. Rural Settlement and Civic Transformation in Early Imperial Italy*

archaeological evidence centre stage in the effort to gain an improved understanding of different modes of production and consumption in the countryside of Roman Italy. The results are not at all at ease with the notion of a drastic reorganization of landholding patterns across Italy of the type traditionally associated with Pliny's comment; nor do they necessarily suggest a realistic backdrop to the sense of nostalgia inherent in our early Imperial writers vis-à-vis (perceived) changes affecting the countryside of Roman Italy.[51]

Pliny's *latifundia*, as is well known, have received perhaps even more scholarly attention than his men without hope; yet, it is notable that this attention typically has been undivided — that is no attempt has been made to understand Pliny's résumé of the problems affecting the Italian countryside in combination with his ensuing comments about slave management that were central to the above discussion. But, only when we read Pliny's concerns in context can we gain a fuller understanding than if we focus on landholding patterns and production units alone; and only then can we put to rest the tension between the results of recent archaeological study, and the sense of drastic change experienced by Pliny and his peers. As we shall see, there was indeed an element of change that affected the countryside (and more) of Italy; but it need not have been mirrored in a change in landholding and production patterns: in any case, the latter aspects are not what Pliny and his peers refer to. The following, then, is an attempt to take further our newly-gained understanding of the *servus vinctus* and the passages from which he arose, and use it as a key for a better appreciation of the larger context that produced them. For this we shall have to revisit the issue of our writers' attitudes towards slave and estate farming, before turning to an aspect of the Augustan social legislation.

## *VINCTI* AND *MORES*

The context, then, from which the above passages stem documents in the first instance that Pliny lived in a world in which the regular visit to one's estates was an ideal, sometimes even realized:[52] a world that they saw as being in danger; and a world in which, as Pliny put it in the very paragraph from which the above snippet stems, 'to cultivate well is necessary, superlatively well

(Oxford, 2006), esp. pp. 5–71. It is an irony of history that this reply to the 'narrative of crisis' should feel challenged by the work of Finley: Patterson, 'Crisis: what crisis?' (above), 116.

[51] The focus on landholding patterns and production units in the modern discussion of the term *latifundium* is maintained up to this day, as the recent use of the term to denote a unit of agricultural production on the basis of size and productive activity by Saskia Roselaar shows: *Public Land in the Roman Republic. A Social and Economic History of* Ager Publicus *in Italy, 396–89* BC (Oxford, 2010), 155–6.

[52] Pliny, *Naturalis Historia* 18.35. The same ideal and attempts at its implementation are evident in his nephew's writings: P.W. de Neeve, 'A Roman landowner and his estates: Pliny the Younger', *Athenaeum* 78 (1990), 363–402, at p. 372.

however brings loss'.[53] Pliny exemplifies his critique with the attempt of Lucius Tarius Rufus to buy up as many farms as possible in Picenum, only to pronounce that 'moderation is the most advantageous of all things'.[54] It is easy to recognize in this the essence of Columella's much longer treatment of the matter,[55] which leads to an identification of estates that are too large to allow the exercise of good management with the exploitation of slaves of lesser quality: it is the filthy rich who, not being able to make the rounds of their estates, either let them lie waste or have them tended by debtors and slaves who are marked by the *ergastulum*:[56]

> For one should hold as much land as one needs, so that we may be seen to have bought what we can deal with, not what is a burden to us and what we deprive others of; for that is the behaviour of the over-mighty who possess the territory of whole peoples of which they cannot even make the rounds, but leave them to be trampled by cattle, and devastated and plundered by wild beasts, or keep them under their control by means of debt-bondsmen and labour from the *ergastulum*.

To achieve, on the other hand, the best results, our ancient authors leave no doubt that there is a need for constant oversight. Pliny states that the owner must 'visit his farm frequently', because 'in the field, the master's eye is the best fertilizer',[57] a point he makes clear by the example of the freedman Gaius Furius Chresimus, who earned the largest possible returns from a small farm — and his neighbours' envy — through attentive, close and personal supervision of the slave labour force.[58]

There is more to this than 'a traditional ideology of the soil' that was part of Roman *mores*.[59] First, we have here a clear distinction in the writings of our ancient authorities between two types of estate management: on the one hand, there are estates that are run by good, hands-on management through the owners, and, on the other hand, estates that lack personal supervision by the owners. The former type brings with it the employment of good and hard-working slaves, who, as a result of regular masterly supervision, continue to be *frugi* — and thus *soluti*; whilst the latter type leaves labourers and cultivation to their own devices.

---

[53] Pliny, *Naturalis Historia* 18.38.

[54] Pliny, *Naturalis Historia* 18.37.

[55] Columella, *De Re Rustica* 1.3.8–13. Columella evidently follows Cato here: *De Agricultura* 1.6. See also Virgil, *Georgics* 2.412–13, along with Servius on *Georgics* 2.412 citing Cato, *Ad Filium de Agri Cultura* (fr. 2 Sp.).

[56] Columella, *De Re Rustica* 1.3.12: 'Tantum enim obtinendum est, quanto est opus, ut emisse videamur quo potiremur, non quo oneraremur ipsi atque aliis fruendum eriperemus more praepotentium, qui possident fines gentium, quos ne circumire quoque valent, sed proculcandos pecudibus et vastandos ac populandos feris derelinquunt aut occupatos nexu civium et ergastulis tenent'.

[57] Pliny, *Naturalis Historia* 18.31 ('saepius ventitare in agrum') and 18.43 ('fertilissimum in agro oculum domini esse').

[58] Pliny, *Naturalis Historia* 18.41–3.

[59] M. Beagon, *Roman Nature. The Thought of Pliny the Elder* (Oxford, 1992), 161.

The former type logically makes for the best cultivation of the land and a maximization of returns — the maxim of old; and the latter type causes a deterioration not only in the quality of the slave labour force, but, consequently, of the financial rewards too.[60] It is precisely this daunting scenario that is at the heart of Columella's criticism at the very beginning of his *De Re Rustica*, where he makes it clear that '… the matter of husbandry, which all the best of our ancestors had treated with the best of care, we have delivered over to all the worst of our slaves, as if to a hangman for punishment'.[61] Logically, having produced a list of the problems that accrue if slaves remain beyond the reach of masterly control on such estates, Columella recommends that estates far afield, which cannot be supervised personally by the owner, be let out to tenants instead.[62] It is, perhaps, in this sense that land that was too much or too dispersed for a single man to control sensibly — and in person — could (have) be(en) postulated as the ruin of Italy, bringing with it a lesser (and lessening) type of slave labourer and cultivation, thus reducing the overall level of productivity in the Italian countryside. Already Seneca the Younger connected vast expanses of land with cultivation by *servi vincti* — 'vasta spatia terrarum colenda per vinctos'.[63] And Pliny drives home the (perceived) change between Republic and Empire in arguing that in his day estates are cultivated by 'feet that have been chained, hands that have been condemned, and faces that have been branded'.[64] Logically, Pliny is not surprised to see 'that the returns of labour from the *ergastulum* are not the same as from labour of imperators'.[65] In the mind of Pliny, as in those of his contemporaries, land was worked better and with greater returns in the Republic than in the Empire. Yet, the reason for the difference between Republic and Empire was to be found not so much in changes in landholding

[60] This interdependence between financial returns and the master–slave relationship as perceived by our ancient authorities is missed in modern discussions of the agrarian economy, for which see, most typically, D.P. Kehoe, 'Allocation of risk and investment on the estates of Pliny the Younger', *Chiron* 18 (1988), 15–42.

[61] Columella, *De Re Rustica* 1. Preface 3: '… qui rem rusticam pessimo cuique servorum velut carnifici noxae dedimus, quam maiorum nostrorum optimus quisque et optime tractaverat' (trans. H.B. Ash, Loeb Classical Library, 1948).

[62] Columella, *De Re Rustica* 1.7.6. *Pace* Beagon, who claimed in her discussion of this passage that Columella '… sees slaves in general as the least satisfactory workers on a farm …': *Roman Nature* (above, n. 59), 162.

[63] Seneca, *De Beneficiis* 7.10.5.

[64] Pliny, *Naturalis Historia* 18.21: 'at nunc eadem illa vincti pedes, damnatae manus inscriptique, vultus exercent …'. Translators typically render 'vincti' as an adjective, for which the Loeb translation is a good example: 'But nowadays those agricultural operations are performed by slaves with fettered ankles and by the hands of malefactors with branded faces!' (trans. H. Rackham, Loeb Classical Library, 1950). As is equally evident from this translation, an adjectival use of 'damnatae' is not possible. But to render 'vincti' and 'inscriptique' as adjectives means breaking the grammatical alignment of the sentence, which I have avoided in the translation given in the text above.

[65] Pliny, *Naturalis Historia* 18.21: 'Sed nos miramur ergastulorum non eadem emolumenta esse quae fuerint imperatorum!'.

patterns or production units, but identified in issues such as the type of slave labour employed, and the level of attention paid to estates and slaves by the owners.

Economic considerations, however, were not the only driving force behind Pliny's remark; *latifundia*, understood in the sense here foregrounded, also broke with Roman tradition. Slave labour employed under due masterly supervision and hands-on management could be seen as a continuation of an earlier ideal and model that combined due care for one's land and homestead, worked by one's own hands and fertilized by one's own sweat, with the pursuit of imperial aspirations and the defence of *Romanitas*. The prime example for this ideal is of course Lucius Quinctius Cincinnatus, whom Livy immortalizes as found ploughing his fields when he was called to fight for Rome against the neighbouring Aequians.[66] In the days of absentee ownership, paired with a busying of oneself in the Forum and the Curia, and extended military service far afield, the extension of one's body through one's slaves, a point well made by Brendon Reay on the example of Cato, allowed for the maintenance of this ideal through the working of one's fields by one's *hands*.[67] But the decisive point made by Columella, and then so vividly brought to the fore by Pliny, lies in the importance of regular masterly supervision of the slave labour force. And this supervision extended to the management slaves. In fact, much of Columella's comment on *servi vincti* is framed by instructions to his readership to keep a close eye on the *vilicus*, and to check in person whether the slave manager has executed punishments as directed by the master — for the power of punishment is that of the *paterfamilias*, as Columella emphasizes twice.[68] Clearly, Pliny and Columella regard such masterly supervision as fundamental for the maintenance of traditional *mores*: not one's sweat but one's eye had become the best fertilizer — and regular visits to one's rural estates the glue that blends tradition with a form of land exploitation that Cincinnatus could not have been further removed from. Slave labour left unattended and to the mercy of brutal slave overseers, of the kind that Pliny's *latifundia* brought with them, did not fit this model.[69]

The change in the quality of the slave labour force, along with problems over the level of due masterly supervision of slaves and estates, quite clearly vexed our Imperial writers; and the figure of the *servus vinctus* was, as we have seen throughout, central. But the perceived shift actually is not borne out by the corresponding Republican discourse. That discourse is, of course, substantially

[66] Livy 3.26.

[67] B. Reay, 'Agriculture, writing, and Cato's aristocratic self-fashioning', *Classical Antiquity* 24 (2) (2005), 331–61.

[68] Columella, *De Re Rustica* 1.8.16–17, 11.1.22. This might be a reason for the concern over the employment of good overseers that is evident in the agricultural writers. For modern discussion of this concern, see J. Carlsen, 'Recruitment and training of Roman estate managers in a comparative perspective', in Roth (ed.), *By the Sweat of your Brow* (above, n. 13), 75–90.

[69] I here part from the argument of Reay, 'Agriculture' (above, n. 67), who has regarded the exploitation of all agricultural slave labour as fitting with Cato's (re)interpretation of traditional *mores*.

thinner than its Imperial counterpart; but even so, it allows for immediate identification of the same preoccupations and recommendations. Like Pliny the Elder, Cato stresses that only through masterly supervision, exercised through residence or regular visit, 'the estate gets better, one will have less wrongdoing, and you will get better returns'.[70] Indeed, the Elder Pliny remarked that Cato offered the same kind of advice as himself — for instance concerning the purchase of good land over bad land.[71] And despite the prescriptive nature of the *De Agricultura* and Cato's preference for better slaves, it is notable that Cato, as we have seen, accepted the existence of *servi vincti* on his ideal estate: clearly, this type of slave was as well-known in Republican days as it was in the early Empire, and could not be left out, even in a treatise seeking to establish the best of estate worlds.[72]

Moreover, Pliny's principal point of reference is actually not the age of Cato, but the 'plough-to-dictator' and 'sowing-to-consul' days.[73] And that there should have been changes from the days long before the onset of Rome's drive for an overseas empire goes without saying. Just as it goes without saying that throughout all of Italy's ancient past there were changes in the countryside, concerning the numbers of estates, and the type of estates: no period of history ever stood still, nor was any particular region of Italy ever excluded from such change — one way or another. It is, clearly, much more difficult to identify these changes in our evidence, and to assess their impact on ancient Italy and its population.[74] But the recent archaeological work briefly referred to above (p. 85) does not suggest a drastic and dramatic reorganization of the Italian countryside in the first century of imperial rule. And the similarities in discourse between Republic and Empire, here merely sketched on the example of the Romans' approach to the management of their agricultural slave labour force, does not support an argument for abrupt change either.[75] But why, then,

[70] Cato, *De Agricultura* 4: 'Fundus melius erit, minus peccabitur, fructi plus capies'; see also *De Agricultura* 1.2, 2.1–7.

[71] Pliny, *Naturalis Historia* 18.26–31.

[72] Similarities in discourse and, perhaps, reality between Republic and Empire are also evident in the Romans' perspectives on topics related to agriculture and estate management, such as domestic architecture and building, with the same kind of critique and condemnation of (perceived) increases in size and grandeur: C. Edwards, *The Politics of Immorality in Ancient Rome* (Cambridge, 1993), 137–72, esp. pp. 160–72 (arguing, however, for an actual change between Republic and Empire), and M. Nichols, 'Contemporary perspectives on luxury building in second-century BC Rome', *Papers of the British School at Rome* 78 (2010), 39–61.

[73] Pliny, *Naturalis Historia* 18.19–20.

[74] For a recent example of the study of diversification and change in the early Empire on the basis of survey evidence from a specific area of Italy, see R.E. Witcher, 'Settlement and society in early Imperial Etruria', *Journal of Roman Studies* 96 (2006), 88–123, to be read in conjunction with W. Scheidel, 'Roman population size: the logic of the debate', in L. de Ligt and S.J. Northwood (eds), *People, Land, and Politics. Demographic Developments and the Transformation of Roman Italy, 300 BC–AD 14* (Leiden, 2008), 17–70, esp. pp. 49–55.

[75] The same applies to the agricultural writers' view, on the demographic make-up of the slave labour force between Republic and Empire: Roth, *Thinking Tools* (above, n. 32), 1–25. The

should slave and estate management practices already known to Cato cause upset and frustration in the early Empire? Why should Pliny counsel against the employment of *servi vincti* on one's rural estates *and* stress Cato's example — who, as we saw, accepted the use of *servi vincti*? To answer this question, we will have to leave the countryside of Italy for the moment, and instead revisit the legal condition of Pliny's men without hope.

## *VINCTI* AND THE LAW

These men, as we saw, were slaves who had been subjected to punishment through chaining, at least once; and who figured in the writings of Roman estate owners either side of the events that Ronald Syme immortalized as *The Roman Revolution*.[76] But whatever that political revolution brought to others, these slaves drew one of the shorter straws: for, as Gaius tells us, Augustus legislated that *servi vincti* should be barred from Roman citizenship upon manumission.[77] The *lex Aelia Sentia*, which contained the relevant clause, along with the consequences for those affected, was discussed at length by the Roman jurists.[78] Gaius writes in his *Institutes* that 'there are three types of freedmen; for they are either Roman citizens, or Latins or amongst the *dediticii*'.[79] And he defines the last category thus:[80]

> … slaves who have been chained by their masters as a punishment, or those who have been branded, or interrogated under torture concerning some wrongdoing and convicted of that offence, or handed over to fight in gladiatorial combat with swords or with the beasts, or sent to the games or thrown into custody, and who have afterwards been granted freedom, whether by that master or by another, shall be free men of the same status as peregrines who have capitulated.

---

recent rehearsal of the traditional view of change and development in our agricultural writers from Cato to Columella by Elisabeth Herrmann-Otto (*Sklaverei und Freilassung* (above, n. 2), 144–60) is not based on new evidence or argument; whilst the comparative analysis of Roman and American ideals in slave management by Enrico Dal Lago and Constantina Katsari ('Ideal models of slave management' (above, n. 2)) suffers from switching between discourse and 'reality', as well as a more general lack of familiarity with the texts of the Roman agricultural writers and the modern debate these have attracted.

[76] R. Syme, *The Roman Revolution* (Oxford, 1939).

[77] Gaius, *Institutes* 1.13. See also Suetonius, *Divus Augustus* 40.4.

[78] The standard modern discussion of the *lex Aelia Sentia* in the context of the study of slavery is Buckland, *The Roman Law of Slavery* (above, n. 14), 537–46.

[79] Gaius, *Institutes* 1.12: '… libertinorum tria sunt genera: nam aut cives Romani aut Latini aut dediticiorum numero sunt'.

[80] Gaius, *Institutes* 1.13: '… qui servi a dominis poenae nomine vincti sunt, quibusve stigmata inscripta sunt, deve quibus ob noxam quaestio tormentis habita sit et in ea noxa fuisse convicti sunt, quive ut ferro aut cum bestiis depugnarent traditi sint, inve ludum custodiamve coniecti fuerint, et postea vel ab eodem domino vel ab alio manumissi, eiusdem condicionis liberi fiant, cuius condicionis sunt peregrini dediticii' (translation in text adapted from the Gordon/Robinson edition). See also Gaius, *Institutes* 1.15 and Tituli Ulpiani 1.11.

Put differently, upon manumission, from which *servi vincti* were not excluded in principle, these slaves became *dediticii*, incapable of Roman *civitas*, and all that went with that — until the time of Justinian.[81] In contrast to Junian Latins, who could acquire citizenship upon fulfilment of certain conditions, *dediticii* were barred from this forever, including those slaves who joined this category as freedmen because they were regarded as guilty of moral disgrace — *turpitudo* — as a result of the slave status they held before manumission.[82] In other words, one aspect of what modern scholars call the Augustan social legislation turned our *servi vincti* into men without hope. Before that statute was passed, *servi vincti* stood a chance of acquiring freedom with *civitas*.[83] Without Roman citizenship, however, the liberty acquired by former slaves was largely without meaning — not least because the lack of citizenship meant that they lacked the power of succession, and thus the basis for the foundation of a line: as far as the law was concerned, they remained natally alienated — as was the slave.[84] But the importance of upholding the hope for full release from slavery for a smooth and effective working of a slave system is evident in our sources, and has long been recognized by modern scholars.[85] For *servi vincti*, in contrast to other agricultural slave labourers, such hope did not exist any more under imperial government, and there was thus no prospect of any real betterment for them in the social hierarchy of the Roman world. But this means that they also lacked an inducement to good and hard labour to achieve this goal: they were truly *desperantes* — and hence not the right type to choose for the management of one's estate. Whilst their employment as ordinary slave labourers was in principle accepted, the lack of aspiration for betterment would

[81] For discussion and further evidence, see Buckland, *The Roman Law of Slavery* (above, n. 14), 535–6, 544–6. Buckland regarded the clause as applicable to informally freed slaves only; but Gaius does not suggest such a restriction, and even if Buckland was right in his interpretation, it is probable that informal manumission played an important role in Roman slave emancipation under the Empire: U. Roth, '*Peculium*, freedom, citizenship: golden triangle or vicious circle? An act in two parts', in Roth (ed.), *By the Sweat of Your Brow* (above, n. 13), 91–120, at pp. 106–20 (= 'Part 2: a distinctive feature of the Roman slavery system').

[82] For a brief overview of the conditions for acquiring full citizenship for Junian Latins, see A.N. Sherwin-White, *The Roman Citizenship* (Oxford, 1973), 329–30.

[83] I think it wise to abstain from speculation or generalization about a punished slave's future rapport with their master, and to refrain from guesses about the likelihood of manumission of a formerly punished slave. For the view that *servi vincti* and other slaves who fell under the provisions of the *lex Aelia Sentia* (generally) lacked '… the kind of support and encouragement from their masters which the Romans deemed necessary for their personal development and the attainment of freedom', see Mouritsen, *The Freedman* (above, n. 2), 34.

[84] The most powerful modern discussion of the slave's natal alienation is O. Patterson, *Slavery and Social Death. A Comparative Study* (Cambridge (MA)/London, 1982).

[85] See, for example, Bradley, *Slaves and Masters* (above, n. 2), 81–112; T.E.J. Wiedemann, 'The regularity of manumission at Rome', *Classical Quarterly* 35 (1) (1985), 162–75, esp. p. 164; and, most recently, Mouritsen, *The Freedman* (above, n. 2), 141–5.

have had an impact on the slaves' labour performance — or in any case on the masters' perception of that performance. This is precisely what we can witness in the discourse discussed in this paper. To be sure, there was nothing that prevented Pliny and his peers from avoiding punishment of their slaves through chaining. But to renounce doing so, meant to reduce the master's power of coercion: perhaps here is where the *lex Aelia Sentia* stung worst — for it either compromised the slave owners' powers over their slaves (that is that of the *paterfamilias* over his household),[86] *or* the quality of their assets.[87] And we have seen already which choice they made.

The changes that our Imperial writers are concerned about were, then, not the result of alterations in the Romans' labour provisioning, or in the organizational patterns of their agricultural estates as traditionally argued. Rather, the changes they were trying to come to terms with were the result of a legal innovation that caused *the very same* management and estate practices to have worse effects on the (perceived) labour efficiency of one's slaves and, thus, on the productivity of one's estates.[88] That is why the two Plinys and Columella can cite Cato as their role model *and* express concern over the negative impact that following his advice and example bring with it — in the first century of imperial rule. And it explains also why, now, *latifundia* became the target of scorn: for whilst large estates attracted, as they always had done, little or no masterly supervision, they now entailed, from the Augustan age onwards, a further deterioration of the slave labour force that was unknown in Cato's days.

The ancient master's perception of the impact that the Augustan statute had on the exploitation of the Italian countryside is evident in the passages discussed here. And it is easy to see how scholars might construe from these a notion of fundamental change in the landowning practices of the Roman élite between the Republic and the Empire. But whatever those landowning practices, and the

[86] The householder's power is not (negatively) affected by Augustus's inspection of *ergastula* in Italy, which may have been (ab)used to imprison and exploit free men or other people's slaves: Suetonius, *Divus Augustus* 32.1–3.

[87] Traditionally, scholars foreground the effects of the *lex Aelia Sentia* on the slaves' (personal) treatment and development as well as on their chances of manumission and the (quality of the) citizen body, but not on the masters *qua* masters. As Alan Watson put it with regard to Gaius's comments on the *lex Aelia Sentia* in his *Roman Slave Law* (above, n. 6), 118, 'there could be no greater evidence of a lack of interest in the rightness or wrongness of a master's savage treatment of his slave'. For a succinct summary of this approach, see Mouritsen, *The Freedman* (above, n. 2), 33–4.

[88] The relationship between legal developments and changes in the Roman slave system is complex and the discussion is far from reaching a scholarly consensus despite a proliferation of work on legal aspects of ancient slavery: H. Bellen and H. Heinen (eds), *Bibliographie zur Antiken Sklaverei*, 2 vols (Stuttgart, 2003), 481–565. For the discussion of the interaction between law and society in general, see J.W. Cairns and P.J. du Plessis (eds), *Beyond Dogmatics. Law and Society in the Roman World* (Edinburgh, 2007), esp. the editors' 'Themes and literature' (pp. 3–8) and Alan Watson's 'Law and society' (pp. 9–35).

changes that we may or may not be able to document in the archaeological (or other) record, the passages in question reflect a quite different issue — if read in conjunction with each other, and in context, along with the relevant legal discourse on the matter. Clearly, both slaves and masters were stung by the Augustan legislation that turned *servi vincti* into men without hope: the slaves because they lost the capacity to citizenship; and their owners because a capacity inherent in their status as masters was infringed.

## CONCLUSION

Both in the Republic, as in the Empire, Roman slave owners made use of slaves of different qualities; and in both the Republic and the Empire, masters employed chaining as a means of coercion for their unruly agricultural slaves. But at no point in the history of Roman slavery, between the second century BC and the first century AD, do our agricultural authorities suggest that slaves worked on the land in chains. Hopkins's contention that 'Roman writers on agriculture took it for granted that their readers' land would normally be worked by gangs of chained slaves' lacks evidential support. All the same, the onset of imperial government brought with it a marked change in the fate of slaves subjected to severe punishment that worsened their lot in a fundamental way: the *lex Aelia Sentia* of AD 4 turned *servi vincti* and similarly punished slaves into men without hope by barring them forever from the acquisition of Roman citizenship, confirmed, it seems, in AD 212, through Caracalla's exclusion of them from the *magnum beneficium*.[89] But despite their negative perception, and the anger over perceived losses, Columella, just like the two Plinys, accepts in principle the exploitation of *servi vincti*, and thus the punishment of slaves through chaining, as did Cato — even if they make it equally clear that these slaves should be used in combination with the employment of other, better slave labourers on one's estate. Gaius Furius Chresimus, no doubt, would have disagreed greatly with their partial acceptance of a reality that was far from ideal. But there is no reason to assume that there was a single unified approach to the matter, either in the ancient literary discourse here foregrounded or in the long-gone past itself, just as there is little reason to think that the Roman revolution was experienced negatively only by slaves and masters. For such a negative experience potentially was shared by all whose status capacities were compromised by the imperial government, in farming or in the Senate: to paraphrase Pliny, *pessumum est quod agitur a desperantibus*. Perhaps the author of one of the grandest scholarly achievements of the early Empire was

[89] For discussion, see Sherwin-White, *The Roman Citizenship* (above, n. 82), 280–7, 380–6. Interestingly, Marcus Aurelius had legislated that slaves sentenced to a fixed period of forced labour were fully redeemed at the end of their sentence, and no mark remained attached to them: *Codex Iustinianus* 7.12.1*pr*, 7.12.1.1, and *Digest* 48.19.33 (Papinianus).

not attracted as strongly as often thought '… to the legitimating power of an Augustan frame for his account of Italy …'?[90]

Address for correspondence:
Dr Ulrike Roth
School of History, Classics and Archaeology, University of Edinburgh,
The Old Medical School, Teviot Place, Edinburgh, EH8 9AG, Great Britain.
*u.roth@ed.ac.uk*

[90] So, for example, E. Bispham, 'Pliny the Elder's Italy', in E. Bispham and G. Rowe (eds), *Vita Vigilia Est. Essays in Honour of Barbara Levick* (London, 2007), 41–67, and p. 65 for the quotation.