PLAUTUS AND ROMAN SLAVERY

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Roberta Stewart

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For LilyDahn

Preface

In this book, I ask serious questions of a playwright whose job and livelihood depended upon making people laugh. I have not sought to wring the humor out of his plays but to use a successful artist's critical insight into his society in order to investigate something that Romans tended not to write about much or, when they did, not write as analytically as we could wish. Plautus' comedies remind me how very much we need our own artists.

The idea for this project came at the Feminism and the Classics Conference held at Princeton in 1996, when I watched a female colleague of color underscore the particular experience of African American women and I found myself unable to understand her argument. I began to question my colleagues in the History department at Dartmouth about their study of American slavery, which led to still more thinking about Roman slavery and the long-term consequences of domination. I owe special thanks to the women at the conference, whose frank and open discussions enabled me to formulate a historical question that has taught me so much.

The book has taken longer than I could wish, first of all because I had to learn about ancient and American slavery. Dartmouth facilitated this project in important ways. The Legal Studies faculty group co-sponsored an initial offering of an undergraduate course on Comparative Slavery in Rome and the Colonial South that I co-taught in 2000 with Alex Bontemps, a historian of African American slavery; the Dartmouth College Committee on College Courses paid for its second offering in 2001. The Masters of Arts in Liberal Studies (MALS) program, under the direction of Donald Pease, supported a seminar on comparative slavery for graduate students, two of whom wrote masters theses on slavery with me and one of whose work directly contributed to this project. I thank Fletcher Proctor for lively discussions about Hegel and slavery, and also for including me in his attempt to understand the thinking of the American planter Landon Carter. I thank the undergraduate Presidential Scholars who worked with me on various aspects of this project: Rose MacLean, Catherine Lacey, Adam Williams, Kyle

Jazwa, and Debra Aboodi. The Nelson A. Rockefeller Center at Dartmouth and the College supported a sabbatical year when I studied the corpus of Plautus' plays and gathered the evidence for the analysis presented here. Thanks are due too to the National Endowment for the Humanities whose grant encouraged me to think that a comparative study of Plautus in the light of ancient and American slavery might yield good history.

Many of the arguments in this book began as conference papers, and I owe much to patient audiences who listened to me and asked questions. The argument about *Captivi* and enslavement (Chapter 2) was first presented at the annual meeting of the American Philological Association in 2001; about slave sale in *Persa* (Chapter 1) at Berkeley in 2002; about the trickster in *Pseudolus* (Chapter 5) at the American Academy in Rome in 2003; about manumission in *Menaechmi* (Chapter 4) at Duke University and at University of Galway in 2004; about slave sale in *Mercator* (Chapter 1) at the Classical Association of New England Summer Institute at Dartmouth College in 2006. I owe much to my colleagues at Dartmouth, especially Roger Ulrich, Hakan Tell, and Margaret Graver in Classics and Robert Bonner, Alex Bontemps, Margaret Darrow, and Annelise Orleck in History. My colleague James H. Tatum deserves special reward for reading much of this manuscript in draft and for insisting that I respect – as much as I am able – the comedies as literature. Elaine Fantham, Sander Goldberg, Judith Hallett, Dennis Kehoe, Thomas McGinn, Amy Richlin, and Timothy Moore read parts of the text. Keith Bradley, Sandra Joshel, Amy Richlin, and Sander Goldberg generously sent me work that has not yet appeared or is in process. Lawrence Richardson helped me think through the configuration of buildings associated with slave sale. Susan O'Donavan has shared with me her work on American emancipation and has taught me much about systems of slavery. Kent Rigsby read the entire text and, as usual, offered insightful critique.

Finally I want to thank Haze Humbert, my editor at Wiley-Blackwell, who talked with me about the project in 2007 and has been so supportive in marshaling this book through to its completion.

This book is dedicated to my daughter LilyDahn Stewart, *filiae carissimae*, who has grown up watching her mother write a book. My sincerest hope is that the experience has profited both of us.

A word about texts: All citations of Plautus are taken from Lindsay's 1910 Oxford edition. Translations of Plautus are adapted from Nixon's translations in the Loeb Classical Library. All other classical citations are taken from the Oxford or Teubner editions, unless otherwise specified. For classical authors and editions, I have used the abbreviations printed in the *Oxford Classical Dictionary*; for scholarly publications I have followed abbreviations used by *L'Année philologique*.

Introduction

> *Power itself is never so transparent that its analysis becomes superfluous. The ultimate mark of power may be its invisibility; the ultimate challenge the exposition of its roots.*
>
> (Trouillot 1995, xix)

This is a book about silence, an attempt to understand the silences about slavery in the documents we have from the slave society of ancient Rome. There are three silences: the silence of traditional historical records; the silence of the master; the silence of the slaves. The silences are intentional and ideological, that is, they are a product of the institution of chattel slavery and they are evidence for that institution.[1] The following chapters represent both a methodological experiment in reading the silence and a historical argument about slavery and slave experience. I attempt to reconstruct the ubiquity of Roman slavery and its centrality in Roman society, and propose a historical narrative about slavery drawn from evidence that is not canonically historical. Slavery is a *relationship* of power, and the statuses of master and slave are claims, not facts, that are created and enacted in relationship. To study slavery, we need a kind of evidence that is exceptionally rare in the ancient world: the interactions of two individuals

[1] On the silence about work and slavery, see especially Schiavone 2000. The silence about slaves has a parallel in the slave culture of the American South, where the earliest accounts postdate the transition from white indentured to black slave labor. For the transition see Kolchin 1993, 4–13. On silence in the historical record, see Trouillot 1995 and infra, Chapter 5.

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who speak to each other. Roman public drama, the comedies of Plautus, provides our earliest evidence for the interactions of masters and slaves; but studies of the roles of slaves in Roman drama have tended to adopt – consciously or not – the master's definition of the slave, and the analytical perspective thus never steps back from the perspective of the plays to ask either about slavery as a relationship of power or about the slave's perspective implied by the representations.[2] In this book, I treat the dramas as historical artifacts and put this public drama in context with treatises on farming; with statute, law, and public policy; with trickster tales from other slave societies.[3] In addition to the arguments about aspects of slave experience, there is a larger epistemological claim: the public dramas reveal the contours of a Roman discourse about slavery that the Romans, unlike the Athenians and Hellenistic Greeks, did not articulate into philosophical treatises. The Plautine corpus does not show a coherent theory of slavery but it does show a range of cases that illustrate an awareness of slavery as a complex problem in the earliest documented period of the Roman slave society.[4] In this introduction, the early history of slavery at Rome and a survey of recent approaches to Roman comedy and the history of world slavery will lay the groundwork for investigating slavery and slave experience in the time of Plautus.

The formation of Rome as a slave society can be dated by three developments: the definition of the slave as a person in the Twelve Tables (451/450 BCE), the abolition of debt slavery by a *lex Poetelia* (dated 326 or 313 BCE), and the definition of the slave as chattel in the *lex Aquilia* at some date

[2] So, e.g., Segal 1987, discussing the ubiquity of torture jokes in Plautus, concludes that the slaves are whipworthy, a judgment which whether true or not has assumed the perspective of the master in defining the slave. Again, in defining the comic scheme as "the victimization of the ruling class by the lowly slaves" (Segal 1987, 152), his analytical perspective goes no further than the perspective of the masters within the plays. Again, in a wonderful study of Plautine aesthetic composition, see McCarthy 2000, 27: "Thus we can explain the slave–master relations in Plautine comedy as the conjunction of two pictures: the good slave embodies the view that masters would like slaves to have of slavery, and the clever slave embodies the view that masters themselves would like to have of their own lives."

[3] The work of Leigh 2004 laid the groundwork for this approach.

[4] For a brief discussion of the historiography of slave history, see Kolchin 1993, 133–138; Davis 1984, 8–22. For Roman slavery, see Finley 1998, 79–134 (providing a historiography of both the study of slave systems and the study of history); Shaw 1998, 3–11; McKeown 2007; cf. the survey of ancient slavery by the historian of American slavery, Davis 2006, 27–47. Wiedemann (2000, 152–158) provides a sympathetic summary of the methods and contributions of the German Mainz Academy.

between 287 BCE and the early second century BCE.[5] In the Twelve Tables the slave was a member of the hierarchically structured community and counted as a person, albeit of lesser status (Tab. 8.3).[6] The Roman enslaved for debt might continue to live with resources from his own family, that is, he was not alienated (Tab. 3.4).[7] Although the Twelve Tables allowed the sale "*trans Tiberim*" of judgment debtors who did not settle with their creditors (Tab. 3.7) and so suggest the early existence of deracinated slavery at Rome, the first treaty between Rome and Carthage, dating to 509/8 and regulating economic activities of the two states, did not mention slaves or slave-trafficking (Polyb. 3.22–23), by contrast with the treaty of 348 that did.[8] In 326 or 313 BCE a *lex Poetelia* abolished debt slavery for Roman citizens and established the integrity of the body as a perquisite of the Roman citizen *qua* citizen.[9] The *lex Aquilia* redefined the Roman law of

[5] On early slavery at Rome before the fourth century, see Welwei 2000, 1–32; Bradley 1985, 1–8; Castello 1982, 93–116; Watson 1975, 81–97; DeMartino 1974, 163–193. On the various criteria for the emergence of Rome as a slave society, see Bradley 2011a, 242–244, 1994, 12–16. Watson 1975, 82–84, examines three factors conditioning the identity of slaves in the fifth century: the lack of economic resources to buy external slaves; the *foedus Cassianum* signed in 493 with the Latins and disallowing Romans to enslave Latins; the basic lack of Roman military success in the early fifth century. On the date of the *lex Aquilia* in the early third century BCE, see Crook 1996, 723–726; idem, 1984b, 67–77 (a careful discussion of the transmitted language of the law, esp. the archaic *fuit*); cf. Honoré 1972 suggesting a later date, in the mid second century BCE. The law would have had to be in place when careful definitions and exceptions were developed to the category *fructus* for the offspring of slaves versus those of herd animals; on the latter distinction see Birks 1989, 61–73, esp. 63–64; Frier 1985, 164.

[6] Table 8.3: *si os fregit libero, CCC, <si> servo, CL poena<e> su<nt>o*. On the text, see Crawford 1996, 604–607. On the law contrasting the status of the slave with a free person, by contrast with the later *lex Aquilia*, see Wieacker 1988, 364–365; Crawford 1996, 607; Watson 1987, 54–55. On slavery in the Twelve Tables, see Bradley 1994, 16–18; Pólay 1986, 1–31, 71–77; Castello 1982, 93–116; Watson 1975, 81–97; DeMartino 1974, 168–174. Castello alone distinguishes the period of debt slavery from the subsequent period of captive slavery. Watson (1987, 54–55 and 1975, 86) emphasizes not only the conceptualization of the slave together with people but also contrasts the legal incapacity for recovery by the slave according to the terms of the *lex Aquilia* by contrast with the slave dependent in the Twelve Tables who would litigate by means of a patron, the *pater familias*; see too Pólay 1986, 10–11.

[7] Crawford 1996, 625–629.

[8] On the treaties of 509 and 348 between Rome and Carthage, see Oakley 1998, 252–258. On their evidence for the emergence of large-scale slavery in the fourth century, see De Martino 1974, 165; cf. Welwei 2000, 4–5 and 132–135, who presumes the beginning of slavery with the emergence of the aristocracy – and so with the beginning of social stratification – but does not distinguish types of slavery. On sale "trans Tiberim" see DeMartino 1974, 170, who critically evaluates the terms of the law and – salutarily – attempts to imagine how the legal process and its preliminaries unfolded, within the context of the current social structure.

[9] For the law, MacCormack 1973, who attempts to distinguish the terms of the law and its subsequent – he argues restrictive – interpretation only to have abolished *nexum*. On the *lex Poetelia* and the ideology of the body of the citizen versus that of the slave, see Chapter 3.

delict defined in the Twelve Tables and established a careful definition of damage to property, as well as criteria for calculating loss.[10] The terms of the law replaced the definition of the slave as a person of lesser status with the definition of the slave as a fungible property, or chattel. Law and statute distinguished the citizen and slave, and – more important – institutionalized the objectification of a human being as fungible property.[11]

For Moses Finley, the political and legal advance defined by the *lex Poetelia* created one of the necessary preconditions for the development of Rome into one of the world's five known slave societies (along with Classical Athens, and colonial Caribbean, Brazil, and the American South).[12] Finley emphasized the slave society as a historical phenomenon, and he correlated Roman conquest and enslavements in Italy and the Punic wars with a demand for labor caused by the freeing of the person of the citizen, ostensibly by the *lex Poetelia* of 326/313.[13] Finley (1998, 148–150) distinguished the "slave society" from a "society with slaves" according to the "location" of the slaves within the society. Slavery is ubiquitous in human history; but slave societies, by contrast with the manifold forms of societies with slaves, displayed a "radical commodification of the human body" (Shaw 1998, 14): the slave was deracinated and so without kin or natal community; the slave was the object of sale and did not own his/her own body or labor; the slave lived at the complete discretion of the master.[14] Finley argued that in the slave society, by contrast with the society with slaves, slavery facilitated the economy and defined the social, political, and economic structures of the society. A society with slaves might lose the slaves and remain the same society; a slave society could not lose the slaves without changing fundamentally its structures and ideologies.

[10] On the law of *iniuria* see Daube 1936, 253–268; Coolidge 1970, 271–284; MacCormack 1970, 164–178; Honoré 1972, 138–150; Crook 1984b. On legal treatment of *iniuria* committed against the slave, see Watson 1987, 61–64. On the innovation in calculating loss, see Daube 1936, 260–261.

[11] Bradley (2011a, 243–244; 1985, 1–8) rightly emphasizes the contrast of slave and free, of slavery and liberty, already in the Twelve Tables and dates the emergence of a slave society at Rome to the early fifth century because of the ideological contrast. But the Twelve Tables do not show the radical deracination of the slave that characterized chattel slavery or the slave society.

[12] On Finley's definition, see Shaw 1998, 11–24; cf. Bradley who defines the slave society as the ideological contrast of slave and free (2011a, 242–244) and with a demographic test as well as the social and economic location of slaves and their masters (1994, 12–16). For Bradley demographics are only met in the second century, although the location is met in the third. For Marx, slavery, and Rome, see Konstan 1975.

[13] Finley 1998, 135–160, and for enslavements, 151, 154.

[14] For an exhaustive survey of the different forms of slavery, see Patterson 1982. On the definition of the slave's status, see Finley 1998, 141–145; Shaw 1998, 12–17.

Finley's *Ancient Slavery and Modern Ideology* remains vigorously debated in Classical Studies, and his term "slave society" and his insight into its historical evolution continue to inspire historians of ancient and American slavery.[15] For William Harris, the late fourth-century Roman wars with Etruscan, Samnite, and Greek peoples and the carefully recorded enslavements marked a change in the character of Roman militarism, precisely when the *lex Poetelia* abolished debt slavery at Rome.[16] For Walter Scheidel, the Roman army and Roman militarism – so government policy and practice – fed the private needs of slave-holders for slaves.[17] He counts at least 60,000 Italic peoples (Etruscans, Samnites, and Greeks) in the years 297–293, at least 85,000 Carthaginians and Greeks in Sicily during the first Punic war, 60,000 people in Italy, Africa, and the Spains during the second Punic war.[18] Although any particular recorded figure from antiquity is notoriously unreliable, Scheidel shows that the mean number of enslavements increased from the earliest period and increased dramatically after the second Punic war: 297–241 BCE, mean 3,300/year; 241–202 BCE, mean 5,300/year; 201–167 BCE, mean 8,700 enslaved/year.[19] According to Keith Hopkins, the increasing use of slaves facilitated the concomitant re-employment of citizen soldiers as the necessary labor force for

[15] On Finley's category of slave society in ancient slavery studies, see Shaw 1998, 3–74, esp. 7–14. For a defense of the Mainz Academy and its work, see Wiedemann 2000. *Pace* McKeown 2007, the rift seems to persist vehemently. For example, Welwei's study of early slavery (2000) fails to mention the category of a slave society, or the work of Finley. Finley remains foundational in American slavery studies, e.g., Oakes 1990.

[16] See Harris 1990, 495 and 498–499; 1979, 59 and n. 4. Careful records of enslavement begin in the fourth century, see Livy 7.17.9 (the capture of Satricum) and Oakley 1998, 189–190. For a list of recorded enslavements resulting from military action in the Republic and Empire, see Thompson 2003, 14–37.

[17] Scheidel 2007, 10: "Roman slave society stands out for the crucial importance of the direct link between Roman campaigning and slaving: to a much greater extent than other slave-rich systems Roman elites relied on their own military forces to procure a captive labor force."

[18] On the numbers of enslavements, see Scheidel 2007, 6–10 and esp. Table 2. On enslavements during the first and second Punic wars, see Pritchett 1991, 5.232–233 (a summary table of numbers and sources); Brunt 1971, 67 and n. 2 (who calculated a Roman slave population providing labor and so enabling the massive Roman military deployments during the second Punic war); Toynbee 1965, 2.170–172; cf. Frank 1933, 1.101–102, guesstimating from the recorded enslavements and the returns on the 5 percent manumission tax. For a recent survey of arguments pre-dating Scheidel on the size of the slave population in the second century, see Rosenstein 2004, 3–25, esp. 10–14.

[19] For a critical assessment of the sources for each individual record of enslavement in this period between the fall of Veii (396 BCE) and the end of the third Samnite war, see Welwei 2000, 35–48, who fails to explain the motive for what he seeks to demonstrate as annalist invention. He nevertheless underscores (39) the existence of a slave supply (from war and piracy), demand, and market documented in the terms of the second treaty between Rome and Carthage.

Mediterranean conquest.[20] For Karl-Wilhelm Welwei, Roman slavery as it developed in the fourth and third centuries facilitated the increasing wealth of the elite and the military service of Roman citizen soldiers.[21] Scholars with different ideological views seem then to have recognized that the Roman Republican political and military structure developed in one way – and not another – because Romans were enslaving significant numbers and diverse populations. Such embeddedness of slavery in the society and in its historical development characterizes the slave society.

Fourth-century political practice illustrates the increasing importance of slavery. A manumission law, or *lex Manlia*, of 357 imposed a tax on manumission (Livy 7.16.7); opposition to the law targeted the procedure of its vote, not its content (7.16.8).[22] Although the statute served to establish an emergency fund after the Gallic sack, its terms are important for indicating already in the early fourth century political recognition of manumission as a taxable, economic transaction and of the slave as chattel. Furthermore, mass enslavements began to accompany Roman victory and conquest, e.g., of Veii in 396 (Livy 5.22.1; Dion. Hal. *Ant. Rom.* 14.93.2), where the organization of Latin tribes on the territory of the conquered people indicates the permanent displacement – if not the enslavement – of the original population.[23] Victorious consuls paraded captives among the spoils of battle in their triumphal processions and made public and ceremonial celebration of slaves as the reward of successful Roman militarism, in 356, 346, and 278.[24] The records of mass enslavements in battle, of enslaved captives sold

[20] Hopkins 1978, 8–25, though he doubts – by his own admission without evidence – the prevalence of slavery in the third century. Contrast Rosenstein 2004, 17–19 and 26–62, arguing for year-long military deployments already in the late fourth century BCE.

[21] Welwei (2000, 54–55) observes the ubiquity of slave-holding and its political role in the third century.

[22] The law is one of a series defining the institutions of the state and is by all but the most hypercritical believed to derive from authentic annalist material, see Hölkeskamp 1987, 23–25, Forsythe 2005, 312–315; contra Welwei 2000, 35–39. On Livy's record, see Oakley 1998, 181–183. On evidence for the law and its administrative procedures, see Bradley 2011a, 245; 1984, 175–182.

[23] Also in the record: Satricum in 346 (Livy 7.27.7–9), Nola in 313 (Diod. 19.101.3), Bovianum in 311 (Diod. 20.26.3; Livy 9.31.2–5), Sora and Calatia in 306 (Diod. 20.80.1), the Aequi in 304 (Diod. 20.101.5; Livy 9.45.7). For a summary of enslavements before 327 (Harris' period), see Volkmann 1990, 38–39. On the crucial historical role of Veii's conquest and enslavement on the development of Roman slavery, see Welwei 2000, 32–35.

[24] On the triumph of 356, Eut. 2.5.2: *Non multo post a C. Marcio Tusci victi sunt et octo milia captivorum ex his in triumphum ducta*. Triumph of 346, Livy 7.27.8: *Extra praedam quattuor milia deditorum habita; eos uinctos consul ante currum triumphans egit; uenditis deinde magnam pecuniam in aerarium redegit*. Triumph of 278, Florus 1.13: *Nec enim temere ullus pulchrior in urbem aut speciosior triumphus intravit. Ante hunc diem nihil praeter pecora Volscorum, greges Sabinorum, carpenta Gallorum, fracta Samnitium arma vidisses: tum si captivos aspiceres, Molossi, Thessali, Macedones, Bruttius, Apulus atque Lucanus; si pompam, aurum, purpura, signa tabulae Tarentinaeque deliciae*. Discussion, see Clerici 1943, 126.

on the battlefield (Livy 10.17.6, 10.20.16), and of captives led in parade suggest a careful interest in human property that distinguishes fourth-century Roman practice from subsequent periods, when the numbers of captives enslaved and sold were recorded but primarily captive elites were marched in triumphal parade.[25]

The contrast of the *lex Aquilia* and the *lex Manlia* reveals a crucial distinction and suggests a major historical development. Unlike the *lex Manlia*, the *lex Aquilia* defined the economic interests of private slave-holders as a public interest and harnessed state institutions, both the assemblies and the courts, to protect those interests. Moreover, the *lex Aquilia* first defined the slave as fungible chattel (*c.* 287 BCE), implying a significant redefinition of the slave as property that was assessable and replaceable.[26] By contrast, the Twelve Tables, in defining a legal remedy for damage to a slave, compared the slave to a free man, i.e., not yet as chattel.[27] The law's passage and its terms show that slave-holders had taken control of the state and were using state institutions to protect their interests (and to define their private interests as public interest).[28] Rome had transitioned from a society with slaves into a slave society. We have no record of what Romans – collectively or individually – thought about their slaves and what slaves thought of themselves for roughly the first hundred years of chattel slavery, until the time of Plautus.

Traditional historical documents (the major narratives of the Roman slave society) typically write the slave out of history. That silence is not accidental. Concretely Roman law denied to the slave familial ties, the privilege of military service, and the opportunity for political participation. More subtly, Roman law institutionalized the slave as "chattel" and institutionalized the disregard of the slave as an agent or subject capable of acting in his or her own right.[29] Roman law never developed the concept

[25] On the use of captives in the triumphal parade, see Östenberg 2009, 128–163, esp. 128–129, remarking the contrast of recorded fourth-century celebrations with subsequent practice. The earliest record of a leader led in triumph is 283 BCE (App. *Samn.* 1). For the experience of the captives, see Beard 2007, 107–142, an evocative, though synchronic, study.

[26] See Watson 1987, 46. Joshel (2010, 80–81) deduces the slave's fungibility from the procedure of slave sale. The legal process of the *lex Aquilia* both enacted and explicitly regulated that definition.

[27] See Table 8.2 with the comments of Wieacker 1988, 364–365 and n. 44.

[28] Cf. Berlin 1998, 10, defining the emergence of the slave society in the American South. Rosenstein (2004, 58) emphasizes the restriction of slave-owning among the Roman population to the top three economic classes (from the five property classes comprising the centuriate assembly). But it is not the gross numbers of slaves nor of slave-owners so much as the social and political position of the slave-owners that defines the slave society.

[29] Watson (1993b) examines particular *conundra* created by the law's accommodating the slave's capacity to act without recognizing the slave as a legitimate actor in his/her own right. Although Patterson (1982, 21–32) rejects legal definitions of the slave as "chattel" as inadequately encapsulating the social existence of the slave, Roman law reveals the *imposed* incapacity of the slave as subject, which incapacity Patterson underscores as the key feature of the slave's existence.

of a slave's direct agency but developed the principle of noxal liability, which recognized the slave's autonomous capacity only for criminal action.[30] The law of slavery thus denied, refused to recognize, the slave's capacity for independent, autonomous action. The slave *qua* slave was incapable of action from volition and so incapable of *res gestae*. Hence the first silence, that of the traditional historical narratives of the Roman slave society.

But even when slaves are documented, the representations are mediated by the extreme power relationships of slavery. Slavery is the ultimate representational fiat: a human being becomes fungible property because thinking makes it so. The slave-holder creates and promotes representations of the slave and slave behavior that legitimate his domination. The slave system cannot recognize or represent the slave as an autonomous subject because to do so fundamentally contradicts the logic of slavery. The effectiveness of slavery as a system of domination depended on naturalizing the overwhelming, coercive power as both temperate and moral, as normal and natural.[31] In other words, both the master's honorable capacity to exercise unilateral coercive authority and the slave's capacity – as a subordinated yet still thinking *subject* – to act morally as a subject only when obedient to the master were fundamental to the success of the Roman slave system.[32] The system worked when it simultaneously facilitated and denied the capacity of the slave as rational moral agent. A slave should not act or speak for himself. Even the visible slave was silenced.

The forcibly subordinated subject nevertheless was a subject,[33] and the more valuable commodity in that s/he was a sentient human being. In *Phenomenology of Spirit* (13–31), Georg Hegel offered acute insight into slavery as a complex struggle for domination.[34] His thinking has become founda-

[30] On noxal liability, see Polojac 1998, 61–69, a survey of recent scholarship.

[31] On power relations and their narratives, see Scott 1990. For a study of master's narratives about their treatment of their slaves in the American South, see Morgan 1987.

[32] On the ideological function of slavery to define freedom and honor, see Oakes 1990, 14–24; Schiavone (2000, 33–45, esp. 40) connects ancient slavery with two further ideological binaries (production versus intellect and material labor versus culture). For Schiavone (2000, 41) the silence about slavery forms part of a larger, ideological silence about economic structures: "Thus, the entire realm of labor was enclosed in a shell of ethical and cognitive indifference, in which any kind of inequality was admissible because nothing that happened there fell within the purview of reason and sensitivity."

[33] On the subordinated subject, see Butler 1997, who emphasizes the interior processes involved in social death and deracination, e.g., "subjection is the paradoxical effect of a regime of power in which the very 'conditions of existence,' the possibility of continuing as a recognizable social being, requires the formation and maintenance of the subject in subordination" (27).

[34] On the master–slave dialectic, see Rauch 1999, 87–101; Williams 1997, 46–68; Gadamer 1976, 54–74.

tional for modern studies of slavery.[35] Hegel posited the social self as the product of interrelationship, and so placed slavery at the very core of social organization or society.[36] Social identity emerged out of a contest of recognition that produced a hierarchy, a winner (a master) and a loser (a slave). The struggle for recognition – what Rauch has termed a "clash of egos" or "competitive struggle for selfhood" – engaged both participants as combatants at the deepest level of their existence and identified a master, one who recognized himself as recognized as such by another and who expropriated his labor, and a natural slave who in the life-and-death struggle capitulated, thus showing him or herself incapable of becoming human in the fullest sense.[37] Recent studies of American slave experience have shown the dialectical character of systems of slavery as a daily experience. For the study of Roman slavery and slave experience, Hegel and the American material offer important analytical insights: the identity of both master and slave as relational and mediated by each other; social relationship and social identity as the product of a continuous pattern of contest.[38] In other words, to get at Roman slavery – and not simply masters or slaves – we have to view the intersubjective contest of master and slave and its multiple variations.[39] It is a different way of looking, and Plautus provides the window.

Recent work in political theory, political anthropology, and American slavery studies has focused on understanding the identity of the forcibly subordinated subject during slavery (i.e., during the ongoing contest with the master).[40] Slavery involved a twofold assault on the slave, for physical

[35] Davis 1999, 558: "a work that contained the most profound analysis of slavery ever written." Davis' own meditation on Hegel is profound, ibid. 557–564. For work on American slavery, see, e.g., emphasizing labor, Genovese 1974; emphasizing the continued and evolving contest of master and slave, Berlin 1998; emphasizing the slave's sense of self as a survivor in the contest, Bontemps 2001. Rejecting Hegel as useful, see Blassingame 1978, esp. 137–139.

[36] Davis 1999, 560.

[37] Rauch 1999, 88–89, citing Hegel's famous formulation (*sie anerkennen sich als gegenseitig sich anerkennend*), translating "they *recognize* themselves as mutually *recognizing one another*" (italics in original) and adding the gloss "they recognize themselves in mutually recognizing one another." On Hegel's twofold ontological and empirical analysis of recognition, see Williams 1997, 48–49.

[38] On the comparative method, see Frederickson 2000, 23–36, distinguishing comparative history and comparative method. Frederickson observes the rarity of true comparative history within the discipline of history; but Finley's category of "slave society" presumes essential features and dynamics across cultures.

[39] On the importance of studying slavery as a relationship of master and slave, cf. Bradley 1994, 4: "Individual slaves were set free, sold, rewarded or punished by their owners, the men, women and at times children who utterly dominated their lives, which means that the institution itself has to be approached primarily in terms of the social relationship which bound slave and slaveowner together."

[40] For theoretical consideration see Butler 1997; for political anthropology, see Scott 1990. For the historical recognition and archiving of the subjected subject, see Isaac 1982, 323–357.

domination by the master but also and more important a struggle for survival (physical and especially cognitive) from the perspective of the slave. The actions of the slave may thus be understood as a form of self-assertion within a contest for domination and survival, and slaves learned to silence themselves in order to survive.[41] Subjection entails a subordination and concomitant objectification of the subject by the dominator, but the independent subjectivity of the forcibly subordinated human being participates in and resists the objectification, by controlling in some measure what the dominator/observer perceives and so may know about the objectified subject. In other words, the slaves strategically silenced themselves and thereby controlled first what masters could observe or know about them and second what they could imagine or represent about them. David Brion Davis has called the slave the first modern for precisely this disjunction of external behavior and internal standards of judgment,[42] and Du Bois identified the disjunction, the beginnings of double consciousness, as the crucial survival skill for the former American slave.[43] The third silence is the strategic silence of the slaves themselves.

How do we write the history of a silence?[44] The requirement of the "authentic voice" is a red herring.[45] On one level the authentic voice is a highly selective descriptor that would eliminate most texts from historical

[41] Rhys Isaac (1982, 323–357) developed the idea of action statements to explore the slave's intentions in relations with the master and with other slaves.

[42] On the modernity of the slave, see Davis 1984, 14–16.

[43] Du Bois 1961, 16–17: "The Negro is a sort of seventh son, born with a veil, and gifted with second-sight in this American world, – a world which yields him no true self-consciousness, but only lets him see himself through the revelation of the other world. It is a peculiar sensation, this double-consciousness, this sense of always looking at one's self through the eyes of others, of measuring one's soul by the tape of a world that looks on in amused contempt and pity. One ever feels his two-ness, – an American, a Negro; two souls, two thoughts, two unreconciled strivings; two warring ideals in one dark body, whose dogged strength alone keeps it from being torn asunder."

[44] Cf. Kraemer (1992, 5) on the study of women and women's religious activity and claims that there was no credible evidence for women: "What we consider evidence is largely a function of what we consider worth pursuing, of what questions we choose to ask and what issues we consider important."

[45] For discussion of the authentic voice in women's history, see Richlin 1993a. Feminist scholars have emphasized the ideological distortion of texts representing women; see Keuls 1990, 221–224, e.g., "the patriarchal societies of the past have left few historical documents of any kind that do not in some way promote and perpetuate cognitive and ethical values reinforcing man's stranglehold on the female of his race" (222). Cf. Gamel 1990. Historians of women's history know this; see Arieti 1997, 221: "Livy, however, does not formulate a system – he is an historian, not a philosopher – yet there is a system, a conception of the universe, which underlies the structure of his history." On the phantom of an entirely true discourse, see Scott 1990, 25–26, esp. n. 11: "No real social site can be thought of as a realm of entirely 'true' and 'free' discourse, unless perhaps, it is the private imagination to which, by definition, we can have no access."

interpretation. When does a text qualify as an "authentic voice"? Is Pliny the Elder an authentic voice about plants and animals? In laments about the lack of the "authentic voice" the implicit idea is that we lack an author who shows critical awareness of selective historical criteria (e.g., gender, ethnicity, status) within a particular historical context.[46] The text would be judged less or more "authentic" proportionally as the author critiques or fails to critique social status or gender or ethnicity or class. The requirement is a distortion of the historian's job for the historian is tasked not to describe and paraphrase a text but to analyze, as Finley observed contrasting the antiquarian and the historian.[47] On a basic level, evaluating the evidence provided by any source requires a careful definition of the author's perspective as affected by conventions of genre and historical era and the expectations created by the society's own logic. In analyzing the logic of a text the historian uncovers its authenticity as a voice conditioned by a particular social location in a defined historical era, a voice conditioned by ideology and reflecting a historical reality. In other words, the authentic voice is not pre-existing but results or emerges from analysis based on a set of questions introduced by the historian. For Roman slavery the lack of an authentic slave voice – that is, one conscious of a group or class identity – may provide evidence for the power of the slave society that fragmented and effectively subordinated the individual identity of slaves in the interests of the masters: the structure of Roman slavery comprising the personal relationships of individual masters and slaves within a vertically stratified society; the individual versus collective experience of enslavement; and the diversity of the slave economy including urban and rural sectors with radically different life and labor conditions.[48]

Roman slavery has not left us the slave autobiographies and interviews of ex-slaves that distinguish the rich material for slave experience in the American South, but scholars of American slavery have emphasized the distortions in their texts, because of their ideological purposes (as abolitionist documents) and because of the enduring inequalities of slavery that are manifest among both transcribers and former slaves in interviews conducted among former slaves under the umbrella of the Works Progress Administration (WPA).[49] Indeed Walter Johnson in his study of the Ameri-

[46] Cf. Fitzgerald (2000, 2) observing that Roman slaves wrote, but not about slavery. The lack of slave-authored evidence is assessed comparatively by Webster 2008, 115.

[47] See Finley 1987a, 1–6, esp. 5–6.

[48] On the personal relationship, see Schiavone 2000, 173–174; on the individual experience of enslavement, see Finley 1998, 139; on slave labor and class, see Shaw 1998, 15–19; Konstan 1975, 158–162.

[49] Johnson 1999, 9–11: exploring the evidence for the slave trade in the antebellum South, Johnson emphasizes the need to read with and through the nineteenth-century American slave narratives as texts produced by abolitionists who crafted the accounts of slaves who had survived and escaped slavery into slave narratives that challenged the system of slavery in the American South.

can slave market has argued that the survivors of American slavery represented a small and exceptional fraction of the slave population and that the true stories of slavery – including those consumed by slavery – have not been recorded.[50] In other words, historians of American slavery recognize that their documents, like any text, were formulated for a specific argumentative purpose that distorted the records of events.

Slavery obfuscates conventional definitions of historical agency, but the important and obvious first step requires re-centering the subordinated slave as a historical actor, that is, imagining that when the slave acts, s/he acts with some degree of self-defined purpose. It is important to be aware that the historian regularly imagines motives and so causation, for even when we have autobiography or political memoir from the ancient world (e.g., Julius Caesar's commentaries on his Gallic and civil wars), every source is influenced by the conventions of its genre and by the self-interested perspective of its author. As Finley remarked, the professed claims and actual motives for actions are often discrepant, and impossible to know.[51] But in fact, historians most of the time deduce causation from actions, not from assertions of motive, because actions are better indicators of motive than claims. In this book I adopt the method developed by the American historian Rhys Isaac and interpret slave behavior as "action statements" or indicators of the slave's agency or beliefs.[52] I am proposing to interpret the slave's behavior, based on the model of master and slave interaction that was first outlined by Hegel: the master acts to dominate and achieve recognition; the slave in subordination ceases to be a person but the subordinated self is reconstituted in work (Hegel, Genovese), in community (Holland et al.), and in the very act of survival (Bontemps).[53]

All representations of slavery from a slave society (whether inscriptional or literary artifact) will reflect the ideological silencing of the slave by the master and the strategic silencing of the slave by him or herself. The documentary text makes factual claims about historical actors and events. But both documentary and fictional texts carry assumptions and make claims about social relations, including claims about status (slaves and free) and

[50] Johnson 1999, 10.

[51] See Finley 1987b, 81, on the (relatively) better documented accounts of the preliminaries to warfare: "It is doubtful that such personal qualities [sc. responsibility, honesty, sincerity, impartiality] are important as historical factors, and it is certain that they are indeterminable in specific cases . . . Besides, the evidence consists of *ex parte* statements by the actors themselves with insufficient independent testimony to serve as a control. The ancient historian dare not forget for a moment that in this area his external witnesses are few and rarely either first-hand or reliable."

[52] Isaac 1982, 323–357; Scott 1990, esp. 14, recognizes that the hidden transcript of subordinated groups is often communicated non-verbally.

[53] Genovese 1974; Holland et al. 2001; Bontemps 2001.

gender (men and women).[54] Imaginative literature further suggests cognitive frameworks that are oftentimes ignored in documentary texts.[55] Documentary texts, such as inscriptions or narrative histories, produce records of historically verifiable "facts" but they do not show how people interacted. Slavery was a relationship, and we need the representations contained in literary sources if we are to understand it. In studying slavery it is necessary to interpret the text from the master's perspective and so the powerful constraints that framed and shaped the slave's existence. Such an approach reveals the logic of the slave society that produced the document and shows how the master silenced the slave and how s/he thought about the humanity of the slave. But interpreting the text and its record of action only from the master's perspective continues the fallacy of slavery, that the slave who was a human being had no independent volition or life project.[56] In order to explore the slave's perspective, we need a different logic, that is, the recognition that the slave's behavior reflects not only resistance or accommodation (definitions of behavior reflecting the master's hegemony and the slave's inferiority in the relationship) but more important a self-assertion. The slave must be studied in the contest to survive, physically and psychically (a definition reflecting the subordinated subject's identity as a subject). By adducing both perspectives in order to interpret each represented interaction of master and slave, I am replicating the relationship of master and slave in slavery, an ongoing contest of domination on the part of the master and of survival on the part of the slave.[57] The result is a consideration of the institution of slavery (the master's perspective) and of slave experience (the slave's perspective).

This project that began larger has focused on Plautus for two reasons. First, because his public dramas are the earliest documented representations of chattel slavery at Rome as a dynamic interaction of the two parties who made chattel slavery, the master and the slave. It seemed necessary to understand as fully as possible the earliest period. Second because "time" needs to be established as a historical variable in Roman slavery studies. Very good

[54] For a thoughtful consideration of the value of literary versus documentary texts, see Hallet 1992, 333–355; Bradley 1994, 8–9. Literary scholars recognize the value of imaginative texts as reflections and refractions of the ideology and institution of slavery; see, e.g., Fitzgerald 2000, 8–11.

[55] Cf. Bradley 1994, 9: "Yet in their assumptions of what is plausible and credible in everyday life, as too in their depictions of psychological response to crisis, these narratives also reflect aspects of contemporary reality that can provide valuable historical information." Again, Treggiari (1993, 185) remarks the role of imaginative literature to identify "the categories in which people automatically thought."

[56] It is here that I diverge from McCarthy's careful analysis of Plautus, especially her reading of the clever slave, see 2000, 26–29.

[57] On the question and comparative method, see Finley 1979, 258–259.