Introduction
Approaching Roman Public Slavery

1. Public Slaves in Modern Scholarship

Slavery played a crucial economic and social role in Roman history. Since the earliest times, unfree individuals were employed to perform a range of duties, from menial labour to highly skilled work, in both the domestic environment and the public sphere.[1] Along with the large population of private slaves (*servi*) who were owned by individual masters (*domini*), and the far smaller but highly influential group of Imperial slaves who were property of the emperors and are attested from Augustus onwards (*servi Caesaris*),[2] another category of slaves is also present in the ancient evidence: the so-called 'public slaves' (*servi publici*), who were sometimes referred to as a group (*familia publica*). Public slaves were unfree individuals, owned by a community rather than a single master.

So far, there have been only three full-scale studies on public slavery in the Roman world. The earliest discussion on the topic goes back to the late 19th century: the important book *Les esclaves publics chez les Romains*, published by Léon Halkin in 1897 (and reprinted in 1965), was the first – and is so far the only – monograph to examine the phenomenon of public slavery both in Rome and in other cities of the Roman Empire.[3] Despite its title, Halkin's book did not confine its focus to public slaves; it also dealt with the issue of manumission and discussed the role of freed public slaves in society. Halkin's work is still a valid reference point, especially on account of the comprehensiveness of the treatment it provides.[4] Nevertheless, the epigraphical and archaeological evidence has considerably increased since the publication of Halkin's book, and its catalogue of sources is now obsolete. Walter Eder's 1980 volume (Servi-

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1   For a useful discussion on Roman slavery see Bradley 1994; Schumacher 2001; Joshel 2010; Bradley – Cartledge 2011. On the historiography of slavery, modern theories and their relevant reception, see Finley 1980; Patterson 1982; Bodel – Scheidel 2017; Lenski 2018; Vlassopoulos 2020.
2   See Boulvert 1970; Weaver 1972; Boulvert 1974.
3   Halkin 1897. See also Halkin's later article on the nomenclature of freed public slaves: Halkin 1935. Important earlier discussions: Mommsen 1887[3], 250–259; Lehmann 1889.
4   Cébeillac-Gervasoni 2009, 23 n. 3.

tus publica. *Untersuchungen zur Entstehung, Entwicklung und Funktion der öffentlichen Sklaverei in Rom*) was the second full-scale attempt to deal with public slavery.[5] After almost a century since Halkin's book, Eder embarked on a study that focused exclusively on public slaves in Rome. This important book trails off markedly in the Imperial period when – Eder assumed – *servi publici* were substantially replaced by the slaves owned by the emperors. Since Eder provided neither a comprehensive corpus of the available evidence nor a relevant discursive overview of it, his monograph could not fully replace Halkin's work. The third study on public slavery is the recent monograph entitled *Sklave der Stadt. Untersuchungen zur öffentlichen Sklaverei in den Städten des römischen Reiches*, published by Alexander Weiss in 2004, which is entirely devoted to public slaves in cities other than Rome.[6] As predicted by Noel Lenski both in his review of the book and in a later study on public slaves in Late Antiquity,[7] Weiss' monograph has become a major reference book on public slavery. Thanks to the collection of numerous epigraphic sources brought to light across the 20th century, Weiss considerably increased Halkin's corpus of sources and shed light on a long-overlooked topic: as pointed out by Anna Bricchi in her 2006 review,[8] very few studies had previously drawn attention to public slaves in the cities of the Roman Empire.[9] Weiss' monograph therefore made a major contribution to the scholarship on the topic of public slavery. However, his work still contained gaps that offer opportunities for further study. For example, by focusing exclusively on the public slaves who were owned by self-governing communities, Weiss consciously chose not to discuss their counterparts in Rome; he also omitted the issues of manumission and the legal status of freed public slaves. Moreover, his valuable catalogue of the primary evidence, especially the epigraphic one, is far from complete.[10]

Despite the fact that a significant number of papers concerning Roman public slavery have been published over the last fifteen years,[11] this topic remains largely under-

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5   Eder 1980. In between Halkin's and Eder's books, the only available contribution on public slavery is the article by Rouland 1977, partly rejecting some of the Halkin's arguments.
6   Weiss 2004.
7   Lenski 2005 and 2006.
8   Bricchi 2006a, 321–327.
9   The discovery of the Flavian charter on the *municipium* of Irni (Baetica) in 1981 had partly contributed to revitalise the debate on public slavery: see, e. g., Giménez-Candela 1981; Fear 1990; Weiss 2001. A reassessment of the social position of public slaves in Roman towns based on a case study of an inscription from Tuder was then provided by Serrano Delgado 1996; see also Chapter 5, Paragraph 5.2.8. A highly problematic attempt to discuss the issue of public slavery in the Etruscan context was made by Mastrocinque 1996. For a regional study on *apparitores* and public slaves in Cisalpine Gaul see Giorcelli Bersani 2002.
10   See updates in Luciani 2010; Luciani 2019c; Ricci 2020.
11   Cimarosti 2005; Silvestrini 2005; Bricchi 2006b; Lenski 2006; Zlinszky 2006; Sudi-Guiral 2007; Bruun 2008; Sudi-Guiral 2008; Luciani 2010; Sudi-Guiral 2010a; Sudi-Guiral 2010b; Sudi-Guiral 2010c; Zimonyi 2015; Edmondson 2016; Luciani 2017; Spichenko 2018; Easton 2019; Luciani 2019a;

studied. In light of new evidence, a full-scale reconsideration of the subject and a different approach are required.

2. Reassessing Public Slavery

The aim of this book is to fill this gap and provide a new comprehensive study of public slavery in the Roman world. The book will focus on the use of public slaves in both Rome and in other cities of the Western Empire, as well as on the development of public slavery from the Middle Republic (mid-third century BCE) to Late Antiquity (sixth century CE). The book will offer a holistic vision of public slavery in the Roman world. A crucial working assumption of the book is that only an integrative approach can do justice to such a complex phenomenon.

The first section of this project attempts to define public slavery. To accurately describe the meaning of this concept, one must investigate the significance of 'publicness' from a legal standpoint and analyse the way, or ways, in which an individual became a public slave (Chapter 1). The work then explores how the role of public slavery changed across time, especially during the transition from Republic to Empire (Chapter 2). By analysing the duties carried out by public slaves both in Rome and in other cities, the study also analyses the role played by public slaves in the life of a community and their relationships with the authorities (Chapters 3 and 4). The book then draws specific attention to the manumission of public slaves and to the legal status of freed public slaves. This section attempts to understand the circumstances that determined the scale and range of the manumission, as well as the possible relationship between public slaves and their masters before manumission, or between freed public slaves and their patrons (Chapter 5). Finally, the book addresses the position of public slaves in Roman society and reassesses the widely held assumption that they enjoyed a higher status within the Roman slave population (Chapter 6).

The discussions in this book are based on primary sources – not only epigraphical and literary texts, but archaeological and iconographic material as well. The analysis of all this evidence has led to a significant update of the previously collected collections of sources: 752 instances of public slaves, public freedmen or public freedwomen attested (as individuals or as a group) by literary and epigraphic sources are set out in a full thematic overview at the end of the volume (Appendices 1–3, 5–6). Appendices 4 includes records of individuals who can reasonably be recognized as public slaves or public freedmen and freedwomen, in light of not only their nomenclature but also the relevant context (e. g., their relationships with other public slaves and/or public

Luciani 2019c; Luciani – Urbanová 2019; Luciani 2020; Ricci 2020; Easton 2021; Luciani 2021a; Luciani 2021b; Sitek 2021; Gallo 2021; Luciani 2021a–b.

freedmen or freedwomen, their duties, etc.). The most relevant cases are also discussed in detail and suitably contextualised in the main text. Other individuals of uncertain status, whose nomenclature is the only argument to support their identification as public slaves, freedmen or freedwomen, are not included: indeed, they may have been descendants or former slaves of public freedmen and freedwomen.[12]

12   The same method has also been used by Halkin 1897; Vitucci 1958, 913; Weiss 2004, 191–192. A different approach to the issue was taken by Ricci 2020 and Gallo 2021. However, Ollie Salomies also issued a warning about using nomenclature indiscriminately in order to identify freed public slaves: cf. Salomies 2019, 283.

1. Being a Public Slave
Framing the Issue

1.1 What Was a Public Slave?

Public slaves are attested by a wide spectrum of literary, historical, legal and epigraphic evidence. Nevertheless, an explicit definition of what being a public slave in the Roman world meant, or, more broadly, of public slavery as an institution, is missing in the surviving sources. In order to explain the nature of this institution from a legal and an ideological point of view, it is necessary to reflect on the concept of publicness, and especially on the term *publicus*. The concept of 'public' in Roman culture certainly differed from that currently found in contemporary Western discourse. If one applies modern models to the ancient notion of 'public', the latter might even appear ambiguous or paradoxical to some extent.[1]

From a legal standpoint, however, it is probably more meaningful to identify boundaries for the concept of publicness and public property.[2] When one considers that 'things' of common use were called 'public', as Cicero makes clear (*res ad communem utilitatem, quas publicas appellamus*),[3] it is not surprising that the slaves who performed public duties for the Roman State or for a city were generally called *servi publici* or *servae publicae*.[4] Slaves were, after all, legally intended as mancipable things (*res mancipi*), which could be acquired as property.[5] *Servi publici* and *servae publicae* were thus 'public things'. In some legal sources, the adjective *publicus* was used to designate property of both the Roman people (*populus Romanus*) and self-governing towns (*civitates*) at least until the early third century CE. In his commentary on the provincial edict, Gaius, a jurist who flourished in the mid-second century CE, still included the *res publicae populi Romani et civitatum* among the things that were exempted from usucaption (i. e.,

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1   For recent and especially helpful discussions on this topic, see Winterling 2009, 58–76, with a focus on Imperial times, and Russell 2016, 25–42, who drew her attention to Republican times instead.
2   Moatti 2018, 299–346 is now essential reading on the legal concept of public property.
3   Cic. *Sest.* 42.91.
4   See *TLL* X, s. v. *publicus*, col. 2452.13–44. For an overview of the concept of state under the Roman Republic and a detailed discussion of the topic, see Lundgreen 2014.
5   Ulp. 19.1.

the acquisition of a title or right to property by uninterrupted and undisputed possession for a prescribed term) when he dealt with that issue.[6] Later on, however, use of the term *publicus* to define a property of either the Roman people or the self-governing towns was regarded as incorrect. In the early third century CE, Ulpian explained that:

> *bona civitatis abusive 'publica' dicta sunt: sola enim ea publica sunt, quae populi Romani sunt.*

> the goods of a community are wrongly called 'public', as only those things are public that belong to the Roman people.[7]

In another passage of his commentary on the provincial edict, Gaius admitted that:

> *nam 'publica' appelatio in compluribus causis ad populum Romanum respicit: civitates enim privatorum loco habentur*

> the designation 'public' relates in a number of cases to the Roman people, whilst communities are regarded as being in the position of private people.[8]

The fact that it was customary, if not legal, that the term 'public' was applied to the property of both the Roman people and the cities justifies a comprehensive study and categorization of public slaves in both Rome and the other self-governing communities of the Roman world.[9] However, it is also worth examining what other sources suggest about the reach and significance of public slavery in the city of Rome, the towns of Italy, and the provinces.

1.2 Public Slaves in Rome: Slaves of the Roman People

A number of inscriptions from Rome, dating to the first and second centuries CE, point to a close link between public slaves and the Roman people: they mention slaves whose nomenclature consisted of a single personal name combined with the formula, whether abbreviated or not, of *publicus* (scil. *servus*) *populi Romani*, i. e., "public (scil. slave) belonging to the Roman people" (Fig. 1).[10] Although this expression might seem a pleonasm, it was commonly used to designate public possessions, even in the Republican period. For instance, in the agrarian law of 111 BCE, there are several occurrences of the phrase *ager poplicus/publicus populi Romanei*, i. e., "public land belonging
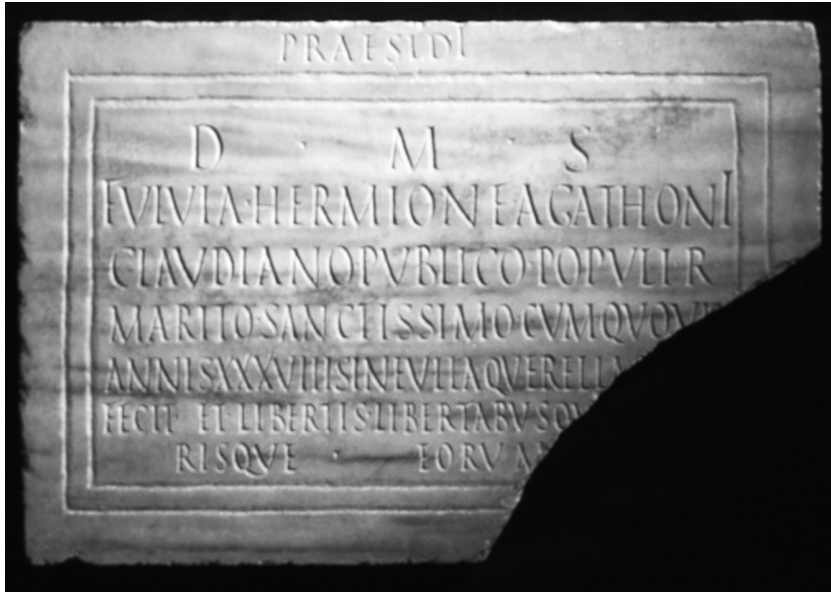
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6   *Dig.* 41.3.9 (Gai. 4 *edict. prov.*).
7   *Dig.* 50.16.15 (Ulp. 10 *ad edict.*); translation by Watson 1985, 448 (vol. 4).
8   *Dig.* 50.16.16 (Gai. 3 *edict. prov.*); translation by Watson 1985, 449 (vol. 4).
9   On this, cf. also Halkin 1897, 6, 137–139.
10   Cf. *Antiochus publicus p(opuli) R(omani) Aemilianus* (no. 31); *Laetus publicus populi Romani* (no. 84); *Agatho Claudianus publicus populi R(omani)* (no. 25).

Fig. 1 Marble slab that mentions *Agatho Claudianus publicus populi R(omani)* (no. 25) –
Rome, second c. CE (Rome, Musei Capitolini – Antiquarium; inv. NCE 44;
photo: Archivio Fotografico dei Musei Capitolini NCE 44 © Roma, Sovrintendenza
Capitolina ai Beni Culturali).

to the Roman people".[11] In the *lex Antonia de Termessibus*, most likely passed in 68 BCE,
the revenues from public property are referred to as *vectigalia publica populi Roma-
ni*.[12] Since the link between public slaves and the Roman people must have been self-
evident, most of the inscriptions from Rome that mention public slaves contain only
the adjective *publicus* next to their single name or – rarely – beside the word *servus*.[13]
The term *publicus* was often sufficient to designate a slave who belonged to the Roman
people and was therefore 'public'.

The link between public property and the people as a whole is also evident in an-
other passage from the jurist Gaius, this time from the *Institutions*:

*Quae publicae sunt, nullius videntur in bonis esse; ipsius enim universitatis esse creduntur. Pri-
vatae sunt, quae singulorum hominum sunt.*

Public things are regarded as no one's property; for they are thought of as belonging to the
whole body of the people. Private things are those belonging to individuals.[14]

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11   *CIL* I², 585 = Crawford 1996, 113–180 no. 2 = AE 2001, 206; see also Sisani 2015.
12   *CIL* I², 589 = *ILS* 38 = AE 1990, 21 = AE 1993, 107 = Crawford 1996, 331–340 no. 19.
13   Cf., e. g., *Cosmus publicus* (no. 46); *Papi(as) ser(vus) publicus* (no. 108).
14   Gai. *Inst.* 2.11; translation by Gordon – Robinson 1988, 127.

The term *publicus* is clearly derived from *populus*,[15] a link that could provide an important clue. Writing in the late 50s BCE during a time of major political turmoil, in his dialogue *On the Commonwealth* Cicero has Scipio Aemilianus' say: "[…] the Republic is the property of the people".[16] In the early second century CE, when Tacitus records Nero's speech in the Senate after the death of Claudius, he uses the term *publicae provinciae* to refer to the senatorial provinces, which belonged to the people and were not administered by the emperor.[17] As Amy Russell recently pointed out, "*publicus* was not 'concerning everyone' but 'concerning the *populus Romanus*, the legally constituted universality of Roman citizens'".[18] *Servi publici* in Rome were no exception: they were mancipable things that belonged to the Roman people as a collective of citizens both under the Republic and during the Empire.[19] For this reason, they were at the disposal of the *res publica*.

In this respect, one may say that public slaves also belonged to the State, although the latter must not be understood in the modern sense.[20] For this reason, in his *Handbuch des römischen Privatrechtes*, Max Kaser distinguished between slaves of the State ("Sklave des Staates") and slaves who belonged to a private individual ("Sklave eines Privaten") or to the emperor ("Sklave des Kaisers").[21] This distinction is useful in seeking to understand the unique legal situation of public slaves who belonged to neither private individuals nor emperors. However, an expression like 'slaves belonging to the State' is not entirely suitable to define the *servi publici*. Indeed, the slaves of the emperor may also be included in such a category, especially from Claudius' time onward, as they gradually became a crucial part of the administration of the State.[22] It is therefore preferable to define public slaves in Rome as 'slaves of the Roman people'.

1.3 Public Slaves in Italian and Provincial Cities: Slaves of the Townsfolk

Similar information can be gathered from sources that refer to public slaves in other cities of the Roman Empire, whether in Italy or the provinces. A passage from Aelius Marcianus' *Institutions*, a legal handbook written in the early third century CE and

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15   On this etymology and, in general, on the term *publicus* see *TLL* X, s. v. *publicus*, coll. 2448–2472.
16   Cic. *Rep.* 1.39: *est* […] *res publica res populi* (my translation).
17   Tac. *Ann.* 13.4.2.
18   Russell 2016, 27.
19   I cannot agree on the idea that "[S]*ervi publici* were [...] the property of the Roman people during the republic (*populus Romanus*), and during the empire they were the property of emperors" (Sitek 2021, 252).
20   Cf. Lundgreen 2014.
21   Kaser 1971, 285.
22   Boulvert 1970, 374–418, 436–437; Eck 1995, 18–19; Eck 1998, 147–165.

partly included in the *Digest*, gives valuable clues about the legal status of a public slave in a self-governing community (*civitas*):

> *Universitatis sunt non singulorum veluti quae in civitatibus sunt theatra et stadia et similia et si qua alia sunt communia civitatium. Ideoque nec servus communis civitatis singulorum pro parte intellegitur, sed universitatis […].*

> Things in '*civitates*' such as theatres and stadiums and such like, and anything else which belongs communally to the '*civitates*' are property of the community corporately not of separate individuals. Thus, even the communal slave of the '*civitas*' is considered to belong not to individuals in undivided shares but to the community corporately […].[23]

In the second century CE, the fact that a public slave in a self-governing town did not belong to individual citizens led to some disagreements among jurists, as an excerpt from Paul's *Commentaries on the Praetorian Edict* makes clear:

> *Municipes per se nihil possidere possunt, quia universi consentire non possunt. Forum autem et basilicam hisque similia non possident, sed promiscue his utuntur. Sed Nerva filius ait, per servum quae peculiariter adquisierint et possidere et usucapere posse: sed quidam contra putant, quoniam ipsos servos non possideant.*

> Citizens of a municipality can possess nothing of themselves, because the consent of all is not possible. Hence, they do not possess the marketplace, public buildings, and the like, but they use them in common. The younger Nerva, however, says that they can both possess and usucapt through a slave what he has acquired through his *peculium*; there are, though, those who think differently, since the citizens do not own the slaves themselves.[24]

A slave of a *civitas* thus seems to have legally belonged to the people of that *civitas* collectively. In other words, a slave of a *civitas* belonged to the universality of citizens who formed the community, not the individual citizens. The same expression used by Aelius Marcianus, i. e., *servus communis civitatis*, can also be found in the so-called *lex Irnitana*, the Flavian law on the administration of the *municipium* of Irni in Baetica. In the *lex Irnitana*, municipal slaves are alternatively referred to as *servi communes municipum eius municipia*, i. e., "common slaves of the *municipes* of that *municipium*" (Chapters 18–20), and *servi publici*, i. e., "public slaves" (Chapters 72, 78).[25] First, the adjective *communis*, followed by the plural genitive of the noun *municeps*, indicates that the slave was possessed in common by all the inhabitants of the municipium, as in

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23   *Dig.* 1.8.6.1 (Marc. 3 *inst.*); translation by Watson 1985, 26 (vol. 1).
24   *Dig.* 41.2.1.22 (Paul. 54 *ad ed.*); translation by Watson 1985, 504 (vol. 4).
25   For editions and translations in different languages of the text of the so-called *lex Irnitana* (*lex Irn.*), see AE 1986, 333 (French translation by Patrick Le Roux); González – Crawford 1986 (English); d'Ors – d'Ors 1988 (Spanish); Lamberti 1993 (Italian); Wolf 2011 (German).

Aelius Marcianus' passage. Also, the expression *servi publici*, which was used with the same meaning, confirms that by the first century CE the term *publicus* could also refer to the property of self-governing towns – namely, municipal slaves – and not just to the belongings of the Roman people.

Other legal texts show that the term *publicus* commonly referred to the slaves belonging to self-governing towns, whether in Italy or in the provinces. The municipal slaves mentioned in the charter that regulated Italian *municipia* in the first century BCE, which is recorded in two bronze tables from Heraclea in Lucania,[26] are referred to as *publicei* (no. 330). Analogously, the slaves belonging to the Caesarian *colonia Genetiva Iulia* (Urso in Baetica) cited in the Flavian copy of its charter[27] are designated as *publici* (no. 534).

The link with the people was legally significant for public slaves in the cities at least as much as for those in Rome. Three inscriptions, from Petelia, Asisium and Ameria respectively, each refer to a slave belonging to the community through a formula (not abbreviated) such as *publicus* of the townsfolk of that particular city.[28] Such an expression is not substantially different from *publicus populi Romani*. Various other inscriptions record slaves of colonies or *municipia* by mentioning their single personal name, followed by the (unabbreviated) expression *colonorum* or *municipum servus*,[29] or by the collective ethnonym in the genitive (Fig. 2).[30] In some cases, the formula *populi servus* – or *libertus*, if manumitted – is also attested.[31] In other – less frequent – cases, the link with the townsfolk seemed to indicate that the public slave was the property of the town. Thus, one finds expressions such as *coloniae* or *municipii servus/-a* and *coloniae* or *municipii libertus/-a*, also in the plural.[32] Some inscriptions also reference slaves

26   For the edition and translation of the text of the so-called *tabula Heracleensis*, see Crawford 1996, 355–391 no. 24.

27   For the edition and translation of the text of the *lex Coloniae Genetivae Iuliae Ursonensis* (*lex Urs.*), see Crawford 1996, 393–454 no. 25.

28   Cf. *Euctus publicus Petelinorum vilicus* (no. 332); *Felix servus publicus Amerinorum* (no. 391); *Successus publicus municipum Asisinatium ser(vus) Amoenianus* (no. 397).

29   *Colonorum servi*: *Ellanicus* (sic) *colonorun* (sic) (scil. *servus*) (no. 220); *Privatus colonorum coloniae Veneriae Corneliae Pompeianorum ser(vus)* (no. 283); *Niceros colonorum coloniae Puteolanae servus arcarius* (no. 287); *Abascantus colonorum Aquil(eiensium) ser(vus) officio luc(or)um Herculis* (no. 444); *Helius colonorum* (scil. *servus*) (no. 453); *Evancelus* (sic) *colonorum Polensium* (scil. *servus*) (no. 484). *Municipum servi* or *liberti*: *Successus publicus municipum Asisinatium ser(vus) Amoenianus* (no. 397); *M(anius) Amiternius municipum l(ibertus) Iucundus* (no. 345); *L(ucius) Publicius Celer municipum Cars(ulanorum) lib(ertus)* (no. 399); *C(aius) Poblicius municipum Mediolaniens(i)u(m) l(ibertus) Alexsander* (no. 510).

30   Cf., e.g, *Phoebus Veronens(ium) vilicus plumbarior(um)* (no. 499).

31   *Castus populi s(ervus)* (no. 194); *Urbicus popul[i* (scil. *servus)]* (no. 344); *Montanus populi Antinatium Ma[r]sor(um) ser(vus) arcarius* (no. 347); *A(ulus) Poblici(us) populi l(ibertus) Ap(h)ro[di]si(us)* (no. 476).

32   *Coloniae servi* or *liberti*: *Publicia coloniae l(iberta) Graecul[a]* (no. 572); (scil. *Aelius) Moderatus libertus coloniae Lingonum* (no. 563); *Orinus coloniae* (scil. *servus*) (no. 586); *Phoebus coloniae* (scil. *servus*) (no. 587); *Tharsa coloniae* (scil. *servus*) (no. 589). *Municipii servi* or *liberti*: *C(aius) Saepinius*