# CHAPTER 6

## SOURCES OF SLAVES

### 101. Aristophanes, *Wealth*, 510–26 (with Scholia)

The jurist Marcianus listed those methods of obtaining slaves which Roman law recognised as legitimate (No. 4): fraudulent self-sale, capture in war and descent from a female slave. Romans, unlike some Greeks, did not accept that a foundling became the slave of the person who raised him. Dio Chrysostom discussed the moral objections to these and other grounds for holding people as slaves (No. 235 below).

Ownership of a slave could be acquired through inheritance, donation or sale — always assuming that the vendor was the slave's legitimate owner (see Varro, No. 150, Ch. 4 below). The literary evidence suggests that the traders who introduced slaves into a community were frequently suspected of having stolen or kidnapped their wares.

Poverty: But if Wealth weren't blind, if he distributed himself in equal shares to everyone, there wouldn't be a single person who would bother to exercise any craft or skill. And if these disappeared, who would work as a smith or build ships or sew clothes or make wheels or shields or bricks or run a laundry or a tannery or break up the soil by ploughing in order to reap Demeter's harvest — if you could live without bothering about any of these things?

Khremylos: You're talking rubbish. All the labours you've just listed could be done for us by our slaves.

Poverty: And where would you get your slaves from?

Khremylos: We'd buy them for money of course.

Poverty: But who would have an incentive to trade in slaves if he was already well off?

Khremylos: Some merchant would come from Thessaly in the hope of making a profit — that's where most of the men who kidnap slaves come from.

Poverty: But the logical conclusion of your argument is that not a single slave-trader would be left. Would anyone who was rich risk his life in such a profession? Of course not — you will be forced to plough and dig and do all the other hard work yourself, and your life will be twice as unpleasant as it is now.

One of the Scholiasts has commented:

'Slave-trader' doesn't just refer to someone who drags free men off into slavery, but also to someone who removes slaves from their masters and brings them under his own control in order to take them somewhere else and sell them. The Thessalians are here being attacked for indulging not just in these practices, but in piracy too.

### 102. Herodotus, 8, 104f.

It is ironical that ancient writers — almost all of whom presumably owned slaves — were so hostile to those who traded in them. Dealers in eunuchs were particularly despised: Herodotus tells how, after the battle of Salamis, Xerxes sent some of the children of his harem away to Ephesus.

He sent Hermotimos, whose place of origin was Pedasus, to look after these children; this man was the most important of his eunuchs, (105) and took a greater revenge for the wrong done to him than anyone else we know about. A Chian called Panionios had bought him after he had been taken captive by the enemy and offered for sale; this man made his living in the most horrible [literally, 'unholy'] way — when he had bought any boys who were particularly attractive in appearance, he castrated them and took them to Sardis or Ephesus to sell them for a lot of money (amongst non-Greeks, eunuchs are worth much more than ordinary male slaves because of their total loyalty). Since he made his living in this way, Panionios had castrated a lot of people including this one. But Hermotimos was not unfortunate in every respect, for from Sardis he was taken to the Persian king together with some other presents, and in due course Xerxes came to respect him more highly than any of his other eunuchs.

### 103. Strabo, 11, 2.3

Just as in early modern West Africa, many slaves were bought from 'barbarian' tribes (like Tacitus' debt-bondsmen: see No. 20) at recognised 'Ports-of-Trade'. Amongst the exporting countries were Britain (Strabo, 4, 5.2) and the Black Sea (see Strabo, 7, 3.12, No. 12 above). Side was the 'Port-of-Trade' for those kidnapped in central Anatolia (Strabo, 14, 3.2); Ephesus (No. 13 above) may have been an exchange like Delos, where Romans bought their wares from the eastern slave-merchants.

Where the river Don flows into the Sea of Azov, there is a city called Tanais, after the name of the river; it was founded by the Greeks who

controlled the Bosporos, but was recently destroyed by King Polemon for refusing to recognise him. It was the central place of exchange between the nomadic tribes of Asia and Europe and the people who sailed across the Sea of Azov from the Bosporos; the former brought slaves and hides and whatever else nomads have to offer, and in exchange the latter traded them fabrics and wine and all the other things pertaining to civilised living.

### 104.  The Edict of the Curule Aediles

From an early date Greek communities seem to have regulated the conditions under which slaves were bought and sold: sales had to be publicly proclaimed, and take place in the town square (partially no doubt so that the authorities could collect the sales-tax). At Athens, the vendor had to state whether the slave suffered from certain specified illnesses, or had been guilty of murder and might thus pollute his new master's household (see Plato, *Laws*, 11, 916).

At Rome, similar regulations were enforced by the magistrates responsible for the public markets, although here a tax on selling slaves was only introduced in 7 BC; it is significant that the corresponding tax had here been levied on manumissions — the *vicesima libertatis*. Among the points which had to be declared was whether a female slave was incapable of bearing children (*Digest* 21, 1.14.3), whether the slave had ever committed a capital offence, tried to commit suicide, or been set to fight the beasts in the arena (*Digest* 21, 1.1). Revealing the ethnic origin of a slave was also required. On noxality, see No. 8 above.

That section of the Edict of the Curule Aediles which regulates the sale of slaves, reads as follows:

> Care must be taken that a notice is written out for each particular slave, in such a way that it is possible to find out exactly what diseases or defects each one has, whether he is liable to run away or loiter about at will, or is not free from liability for a claim for damages (*noxa*). (Aulus Gellius, *Attic Nights*, 4, 2.1)

Those who sell slaves must state the *natio* of each at the sale; for the *natio* of a slave frequently encourages or deters a prospective buyer; hence it is advantageous to know his *natio*, since it is reasonable to suppose that some slaves are good because they originate from a tribe that has a good reputation, and others bad because they come from a tribe that is rather disreputable. (*Digest* 21, 1.31 (21): Ulpian, from *The Edict of the Curule Aediles*, book 1)

Similar information also had to be given in tax forms declaring property:

When entering slaves, you must ensure that their *natio*, age, duties and skills are entered separately for each. (*Digest* 50, 15.4 (5): Ulpian, from *The Census*, book 1)

### 105.  Buying a Slave: Dacian Sales Contracts

In 1855, a number of wax tablets was found at Verespatak in Transylvania, the Roman province of Dacia. They date to the middle of the second century AD, and include a number of documents confirming the sale of slaves (Bruns, 132; for other examples, see L&R II, 52). In accordance with the Roman law of contract (see Crook, *Law and Life*, Ch. 6), the vendor is associated with a guarantor or 'second vendor' to stand surety for him should the buyer be dissatisfied (in some of these documents, the surety is specified as twice the sale price; see Varro, No. 150, 4f. below).

Claudius Julianus, soldier of the century of Claudius Marius in the Thirteenth Legion 'Gemina', has bought and taken ownership of the woman called Theudote, or any other name she may have, a Cretan by race, for 420 *denarii, apocatam pro uncis duobus* [the interpretation of this phrase is uncertain], from Claudius Philetus, with Alexander Antipatris asked to act as guarantor.

This woman was handed over in good health to the above-mentioned buyer. And in case anyone should remove from his possession this woman or anything pertaining to her, with the result that the above-mentioned buyer or anyone else who may be concerned is unable to have use and profit and proper possession of her, the above-mentioned soldier Claudius Julianus requested that in that case he should be given in good faith as much valid money as the value abstracted or taken from that woman or the value of whatever was done that was illegal; and Claudius Philetus promised that it would be given in good faith. Alexander Antipatris stated that he would guarantee it.

And Claudius Philetus said that he had received and had the price of 420 *denarii* for the above-mentioned woman from the above-mentioned soldier Claudius Julianus.

Done in the Camp of the Thirteenth Legion 'Gemina', 4th October in the consulship of Bradua and Varus [160 AD].

Signatures:  of Valerius Valens, Thirteenth Legion 'Gemina'.
of Cineaus Varus.
of Aelius Dionysus, veteran of the legion.

of Paulinus.
of Julius Victorinus.

[in Greek]    I, Alexander Antipatris the guarantor, have signed.
[in Latin]    of Claudius Philetus, the actual vendor.

## 106. Strabo, 14, 5.2

Delos had been made a free port by Rome in 166 BC, largely in order
to damage the prosperity of Rhodes; it became the main centre for
Italian merchants in the Eastern Mediterranean, and thus one of the
markets where pirates sold their captives. The effect of Rome's
weakening of the Seleucid monarchy was a whole series of civil disorders
in Syria and Cilicia, which led to a massive increase in the slave trade.

Responsibility for making the Cilicians turn to piracy lies with Tryphon
and with the ineffectiveness of the succession of kings who at that time
ruled Syria together with Cilicia. As a result of Tryphon's rebellion,
others also revolted, and the rivalry between one Seleucid brother and
another put the whole area in the power of anyone who attacked it.
The export trade in slaves was a major cause of all this criminal activity,
as it had become extremely profitable. They were easy to capture, and
the important and extremely wealthy centre of the trade was not very
far away — the island of Delos, where tens of thousands of slaves could
be received and despatched again on the same day, so that there was
a saying, 'Trader, dock here, unload, your cargo's already been sold.'
The reason was that after the destruction of Carthage and Corinth, the
Romans had become extremely rich and made use of large numbers of
slaves; and as pirates could see how easy it was to make money in this
way, they sprang up all over the place, and raided and traded in slaves
themselves. The kings of Cyprus and Egypt co-operated with them
because of their hostility to the Seleucids, and the Rhodians weren't
friendly towards the Seleucids either, so that they had no help from any-
one; and all the time the pirates pretended to be slave-dealers and carried
on their activities unhindered. The Romans themselves didn't care
very much at that time about the area to the south-east of the Taurus
Mountains; they did send Scipio Aemilianus to inspect the cities and
peoples of the area, and then some others later on. They came to the
conclusion that it was all due to the incompetence of the government,
but didn't dare to put an end to the rule of Seleukos Nikator's
successors, since they had themselves confirmed that rule.

## 107. Pausanias, 4, 35.6

Although piracy was a major source of new slaves during the period of
the great expansion of slavery in the Roman world in the second century
BC, it was not recognised at all in law. The victim of a pirate raid could
claim back his freedom if he could prove it to the satisfaction of a
Roman magistrate; but his chances of success might be minimal in
practice (see Nos. 14 above and 230, 3 below). Here is a description of
such a pirate raid; the Illyrians had overrun Epirus during a period of
anarchy after the death of Queen Deidameia in *c*. 232 BC.

When the Illyrians had experienced the exercise of power, and felt that
they wanted more and more of it, they built a fleet and plundered any
other ships they came across, and they put in at Mothone and anchored
there, pretending that their intentions were peaceful. They sent a
messenger to the city to ask for wine to be brought down to the ships
for them. A few men came down, and the Illyrians bought the wine at
the price asked for by the Mothonians and themselves sold them some
of the merchandise they were carrying. When more people arrived from
the city on the next day, they allowed them also to make some profitable
business deals. In the end, women as well as men came down to the
ships to sell wine and obtain things from the visitors in exchange. At
this point the Illyrians violently seized many of the men and an even
greater number of women; they put them on board their ships and sailed
back to the Adriatic, leaving the city of Mothone depopulated.

## 108. Pliny the Elder, *Natural History*, 35, 58

The extent of the enforced immigration into Italy caused by piracy
and slave-hunting is illustrated by a passage from Pliny; he cannot resist
making the point that it is unnatural for ex-slaves to win power and
influence, but he also cannot help revealing that many of these despised
slaves had recently formed the intellectual elite of the Hellenistic world.
'Publilius' is Publilius Syrus (see No. 78 above); Manilius' grandson wrote
a surviving astronomical treatise dedicated to Tiberius; for Staberius Eros,
see No. 133, 13 below.

(199) There is another kind of chalk which is called 'silversmith's',
since it makes silver shiny, but it is very low grade and our ancestors
decided to use it to mark the finishing line in the Circus, and to mark
the feet of slaves brought from overseas to be sold. Among slaves of this
kind there was Publilius from Antioch who was the first author of
mimes, and his cousin Manilius the first astrologer, also from Antioch;

and Staberius Eros the first grammarian — our great-grandfathers could see them all arrive on the same ship. (200) Why should anyone have to mention these men, since they are famous for their literary productions? Among the men they saw on the slave-dealer's platform was Sulla's Chrysogonus, Quintus Catulus' Amphion, Lucius Lucullus' Hector, Pompey's Demetrius and Demetrius' Auge — although some believe that she too was Pompey's property — Marcus Antonius' Hipparchus, Sextus Pompeius' Menas and Menecrates, and others besides, whom I cannot all list; they became rich at the cost of Roman blood and the lawlessness of the proscriptions.

(201) This chalk marks the crowds of slaves up for sale, and the fickleness of a Fortune which has brought us disgrace. We ourselves have seen how such people became so powerful that the Senate decreed them the insignia of ex-praetors on the orders of the emperor Claudius' wife Agrippina; they arrived with chalk on their feet, and virtually returned to the same places with a retinue of lictors bearing fasces wreathed with laurel.

## 109.  Seneca, *Dialogue 5*: *On Anger*, 3, 29

Slave-owners were well aware of the psychological effect that their change of status had on free men who became slaves. Many advised against buying outsiders as slaves, since home-born slaves (*oikogeneis*, *vernae*) were much more likely to remain loyal to a master they had known all their lives (see Nos. 124, 206, below). On the other hand, Stoics like Seneca felt that one ought to show special sympathy towards someone who had only recently been enslaved.

(1) How vile to hate someone you should praise — and how much more vile to hate someone for something because of which he deserves to be pitied; namely because as a captive who has suddenly fallen into slavery, he holds on to some remnants of his former free status and fails to hurry to perform sordid and difficult services; because he is a bit slow as a result of his previous inactivity and can't keep up with his owner's horse or carriage on foot; because he is exhausted by having to be alert all the time and falls asleep; because he has been transferred from being a slave in Rome with all its holidays to the toil of the farm, and can't put up with this strenuous work or doesn't approach it with enthusiasm.

## 110.  Pausanias, 5, 21.10

Even under the more ordered conditions of Roman rule, free citizens continued to go in fear of being kidnapped and sold as slaves (a tomb at Ravenna mentions a free-born Parthian sold to Rome as a slave: *CIL* 11, 137 = *ILS* 1980 = L&R II, 72). The effect was that the slave lost all links with the community of his birth; if he were freed (and was not lucky enough to obtain Roman citizenship) he would be assumed to belong to the community where he had first been sold — for instance, the Cilician trading ports of southern Anatolia. In the course of his account of the monuments at Olympia, Pausanias lists the men who had won both the 'pancration' and the wrestling match; we know from other sources that Nikostratos' victory was at the 204th Olympics, in 37 AD.

The seventh man to win both prizes was Nikostratos, from the Coastal Cilicians, although he had nothing to do with Cilicia except in theory. Robbers kidnapped this Nikostratos from Prymnessos in Phrygia while he was still a baby; he belonged to an important family. Someone or other bought him when he was brought to Aigiai, and some time later this man had a dream: it seemed that a lion's pup was lying underneath a bed on which Nikostratos was asleep. When he grew up, Nikostratos won many other victories as well as the pancration and wrestling at the Olympics.

## 111.  Suetonius, *Augustus*, 32

Even in Italy free men might be abducted to serve, illegally, as slaves, and the government repeatedly had to send out commissions to ensure that men who had been free had their rights restored to them. In two passages, Suetonius mentions an inspection by the later emperor Tiberius. A shortage of volunteers for Augustus' wars on the Rhine and Danube meant that he was particularly concerned that free men should not be diverted from military service.

(1) Many evil precedents that were harmful to public order had either carried on from the habitual lawlessness of the civil war period, or had actually arisen since peace had been restored. Brigands went about openly carrying swords, which they claimed were for self-defence, and in the countryside travellers were kidnapped without discrimination between slave and free, and held in the prisons (*ergastula*) belonging to the landowners; and numerous gangs had been formed, calling themselves 'new guilds' for no co-operative purpose other than crime. So Augustus controlled brigandage by erecting police posts at suitable

points, inspected slave prisons and dissolved all guilds other than the lawful traditional ones.

### 112. Suetonius, *Tiberius*, 8

Meanwhile Tiberius had been entrusted with two official posts: organising the grain supply, which was insufficient, and sorting out the slave prisons (*ergastula*) throughout the whole of Italy. Their masters were suspected of holding and imprisoning not just travellers but also those who had gone to the extent of hiding in these places out of fear of being called up for military service.

### 113. Diodorus Siculus, 23, 18

While kidnapping free persons or other people's slaves was strictly speaking illegal, prisoners captured in a just war which had been formally proclaimed by due ceremony were legitimately enslaved, if they hadn't been massacred. The Romans had no doubts that any war they engaged in was just, and the captives their property: if they could not arrange to be ransomed, they had to face slavery — as after the capture of Palermo by the Romans in 259 BC.

(4) The Romans attacked continuously and broke down the city wall with their battering-rams; they got control of the outer city and slaughtered a lot of people. The rest fled to the old city, from where they sent ambassadors to the Consuls to ask them to spare their lives. (5) It was agreed that those who gave two minae per person could go free, and the Romans then took control of the city. The money that was found there covered the agreed ransom for fourteen thousand persons, and these were set free. The rest, thirteen thousand of them, and all the other material, were sold as booty.

### 114. Polybius, 10, 17.6—15

There were few restrictions on what Roman commanders might choose to do with the slaves they captured; they might be distributed to the troops as booty, or sold for the benefit of the state, or the proceeds might be used to erect a public building at Rome (or remain in the pockets of the commander and his officers). On some occasions, captives could become state property, as at the conquest of the Carthaginian capital of Spain, New Carthage, by Scipio in 210 BC. Here

too the promise of manumission was a great incentive for loyal work (see No. 206 below).

The military tribunes were organising the distribution of the booty; and after all the captives had been collected together — there were a little under ten thousand of them — the Roman commander first ordered all the men of citizen status with their wives and children to be marshalled separately, and all the craftsmen. When this had been done, he called up the citizens, told them to be favourably disposed towards Rome and to remember how well they had been treated, and let them go back to their own homes. They wept with joy at this unexpected redemption, and prostrated themselves before the commander as they left.

Then he told the craftsmen that, for the moment, they were public slaves of Rome; but he proclaimed that if they co-operated and worked hard at their particular crafts, and if the war against Carthage proceeded as he hoped, they would be given their freedom. He ordered them to register their names with the Quaestor, and appointed a Roman overseer for each group of thirty; there were about two thousand of them altogether.

From those who were left, he selected those whose strength, appearance and age made them most suitable and mixed them in with his ships' crews, so that he increased the total number of sailors by half, and in addition manned the ships he had captured; the crews of each of these ships were a little under double the number they had been before. Eighteen ships had been captured, and he had originally had thirty-five ships. He promised these men too that they would get their freedom if they co-operated and worked hard, once the war with Carthage had been won. By adopting this approach towards the captives, he made the citizens well disposed and loyal both towards himself and towards Rome generally, and he gave the craftsmen a great incentive to work because they hoped for their freedom.

### 115. Polybius, 15, 4.1

The Romans felt no obligation to allow an enemy to surrender on terms rather than enslave them (202 BC).

Publius Scipio made arrangements to protect the fleet and left Baebius in charge of it; he himself went from one Carthaginian city to the next, and no longer agreed to terms for those who freely surrendered to him; he used violence to enslave them and show how angry he was with the enemy because of the treachery of the Carthaginians.

## 116.  *2 Maccabees*, 8, 8–11

With the progressive disintegration of the Seleucid empire in the second century BC, the occasions on which whole communities were liable to enslavement in war multiplied. The Bible gives a very one-sided account of the attempts by Seleucid generals to suppress the struggle for independence of one subject group, the Jews, who were quick to take advantage of Rome's defeat of Antiochus III.

Philippos realised that this man (Judas Maccabaeus) had become very successful in a short period of time, and was achieving more and more success as a result of his good fortune; so he wrote to the governor of Coele-Syria and Phoenicia, Ptolemaios, to help him carry out the royal policy. Ptolemaios quickly put at his disposal Nikanor son of Patroklos, who had the title of King's Friend, First Class, with no less than twenty thousand men of diverse ethnic origin, in order to destroy the entire Jewish people. He sent along with him as his commander a man called Gorgias, who was extremely experienced in military affairs. Nikanor expected to finance the tribute of two thousand talents [imposed by Rome] which the king had to pay, out of the Jewish prisoners he hoped to capture, and immediately sent messengers to the cities along the seacoast with invitations to auctions of Jewish slaves, promising that he would sell them ninety slaves for one talent; he had no idea of the judgement that was about to fall upon him from the Almighty.

## 117.  Polybius, 28, 14 (= 27, 16)

The dividing line between a recognised war and acts of piracy was not always clear; the general insecurity which resulted from Rome's systematic destruction of any powerful Hellenistic state that might be a rival opened the door to atrocities of every kind. Thus during the third Roman-Macedonian war:

[Polybius says] that at this time [i.e. 170/169 BC] the people of Kydonia did something horrible and universally agreed to be in breach of treaty obligations. Many things of this sort have occurred in Crete, but what happened then seemed even worse than their normal behaviour. They didn't just have a treaty of friendship, but even reciprocal citizen rights with the people of Apollonia, and generally shared all the rights that men are thought to possess; there was an agreement supported by sworn oaths to this effect, which was kept in the Temple of Idaean Zeus; but they broke the treaty, captured the Apollonians' city, slaughtered the men, carried off everything there was as booty, divided

up the women and children and the city and its territory, and kept them for themselves.

## 118.  Strabo, 7, 7.3: excerpting Polybius, 30, 15(16)

In the course of the third Macedonian war, the Romans made one of the largest hauls of slaves on record (see Livy, 45, 33.8–34.7 = L&R I, 77; also Plutarch, *Paullus*, 29).

Polybius says that after his destruction of Perseus and the Macedonians, Aemilius Paullus captured seventy cities in Epirus (most of these belonged to the Molossians), and that one hundred and fifty thousand human beings were enslaved.

## 119.  Suetonius, *Augustus*, 21

The brutality and insecurity of the second century BC were exceptional; but even under Augustus the Romans did not doubt that they had the right to enslave those captured in a just war. Suetonius cites Augustus' treatment of prisoners of war as evidence of his clemency. Similar conditions were imposed when other conquered tribes were sold 'under the spear': for instance twenty years' servitude for the Alpine Salassi in 25 BC (Dio, 53, 25.4).

(2) And the most serious punishment he ever inflicted on those who frequently or treacherously rebelled was to sell the captives on the condition that they should not serve as slaves in any neighbouring territory, and should not be set free before thirty years had passed.

## 120.  Aelian, *Different Stories*, 2, 7

It has been suggested that states which were unable to obtain slaves through warfare had to turn to other sources to supply their needs for slave labour. There are frequent references in Greek literature and Egyptian papyri to the exposition of unwanted children as a source of slaves. While Boeotia was one of the few Greek states which discouraged infanticide, a foundling (*threptos*) had no right to appeal against having to serve as a chattel slave.

There is a particularly just and humane law at Thebes that no Theban may expose his child or condemn it to death by abandoning it in a

deserted place. If the child's father really is in dire poverty, then whether the child is male or female he must bring it in its swaddling bands to the magistrates as soon as the mother's labour has ended, and they must take the baby and give it to whoever will pay them the least amount of money for it. An agreement must be made with this person stipulating that he should look after the baby and is to have it as his male or female slave when it has grown up, and to use its labour in return for having looked after it.

### 121. Suetonius, *Grammarian* 5

A free-born Roman citizen could not legally forfeit his status without his own consent; but in the ancient world many free-born children were abandoned (*expositi*) by parents who could not or would not bring them up, and raised as foundlings (*threptoi, alumni*) by someone whose slaves they effectively became (see Pliny, *Letters*, 10, 65 and 66 = L&R II, 107).

In theory a Roman citizen could claim back his freedom even after many years' service as a slave (No. 14); but being free was not necessarily thought to be preferable to belonging to another man's household.

(21) Gaius Melissus was born at Spoleto; he was free-born, but abandoned because of an argument between his parents. Because of the interest and efforts of the man who brought him up, he received a higher education, and was presented as a gift to Maecenas to use as a grammarian. Because he realised that Maecenas liked him and accepted him as he would a friend, he retained the status of a slave even though his mother claimed his freedom on his behalf, and he preferred his present status to that due to his true birth. For this he was soon freed, and became friendly with Augustus; and it was he who appointed him to look after the arrangement of the library in the Portico of Octavia.

### 122. *Code of Theodosius*, 5, 10.1: 'Persons Who Buy New-born Children, Or Take Them To Bring Them Up'.

The principle that someone born as a citizen always had the right to demand to be restored to that status was never questioned — although Constantine effectively vitiated that right by decreeing that the foundling had to pay his master full compensation. This apparent departure from Roman tradition has variously been explained as due to eastern Mediterranean influence, or to pressures from slave-owners concerned not to lose their labour force. It is best paralleled by legislation

requiring a Roman citizen who had been captured in warfare but later ransomed to serve as a slave for five years in order to pay off the ransom (*CTh.* 5, 7.2: 408 AD).

The August Emperor Constantine, to the Italians.

In accordance with the decisions of earlier Emperors, any person who lawfully obtains a new-born child in any manner and intends to bring it up, shall have the right to hold it in a state of slavery; so that if after a series of years anyone asserts that it is free, or claims it as his own slave, that person must provide another similar slave or pay an equivalent price.

(1) For when someone has made a contract and paid a just price, his possession of that slave shall have such validity that he shall have unrestricted rights even to sell him to pay off a debt of his own. Anyone who attempts to disobey this law is subject to punishment.
Dated Serdica (Sofia), 18 August 329 [or 319?].

### 123. *Code of Theodosius*, 3, 3.1: 'Fathers Who Have Sold Their Children'.

Later emperors reasserted the traditional interpretation of the law: the work the foundling had done for the man who had brought him up was sufficient recompense.

The August Emperors Valentinian, Theodosius and Arcadius, to the Praetorian Prefect Tatianus.

All those whom the pitiable misfortune of their parents has reduced to slavery because they needed some money in order to live, are to be restored to the free status they had before. And no one ought to ask for the price to be repaid to them, if he has had the benefit of using a free person as his slave for a considerable period of time.
Dated Milan, 11 March 391.

INTERPRETATION: If a father is forced by poverty to sell a child of free birth, he cannot remain in perpetual slavery; he is to be restored to his proper free-born status, even without paying back the cost of his purchase, if he has made a recompense by means of his services.

### 124. *Digest* 5, 3: 'On Recovering an Inheritance'; 27: Ulpian, from *On the Edict*, book 15

Qualms about the morality of acquiring slaves from slave-traders are

unlikely to have been the reason for the general belief in ancient writers that the best slaves were those born within the household from slave mothers; the contrast with practice in some other slave societies (e.g. Brazil) shows that the Greeks and Romans saw slaves as members of their household, and not simply as labour to be exploited.

The proportion of home-born slaves clearly fluctuated; for instance, Delphi *paramone*-inscriptions suggest an increase over the course of the second century BC, as the 'market' for newly-captured slaves shifted to Italy. It is unlikely that the ancient slave populations can have reproduced themselves without the continuing addition of new slaves from outside (see Brunt, *Manpower*, pp. 148–52). However, the eagerness of owners for their slave women to have children does not mean that they were pressed for labour once warfare no longer provided so many new slaves from the time of Augustus on; it is rather a sign of the high status of *vernae* relative to bought slaves. A slave woman who was unable to bear children was obviously less valuable — *Digest* 21, 1.14 (3) specifies that a vendor's failure to reveal that a female slave was over fifty or sterile leads to a defective sale. But this does not mean that female slaves were bought to 'breed' labour:

Although the offspring of female slaves, and the offspring of such offspring, are not to be considered to be 'fruits' (since women slaves cannot properly be bought for this purpose, to breed offspring), they nevertheless go to increase the inheritance; and there is no doubt that the person who possesses them, or has fraudulently arranged to avoid having possession of them after an action for recovery has been initiated, has to hand them over.

## 125. Isidore of Seville, *Definitions*, 5, 27: 'The Punishments Decreed by the Laws'

One other source of servile labour was not included in Marcianus' list (No. 4 above) because it was not slavery in the strict sense: condemnation to hard labour as a result of a court sentence (*servitus poenae*). But the convict was no one's property, not even the state's, any more than any other prisoner was; he had merely permanently lost his civic rights. The period of servitude might be for life or for a fixed term (for instance two years for an unjustified appeal against a court sentence: *CTh*. 1, 5.3); and unlike slavery, this condition was personal and could not pass to one's descendants. For cases of *servi poenae*, see Nos. 7, 32 and 138.

(31) 'Mines' are where exiles are taken to excavate veins of metal or to cut blocks of marble on the surface.

(32) *Servitus* (slavery) is so called from 'keeping safe'; for in ancient times those who were kept safe in a war were called *servi* (slaves). This alone is the most extreme of all possible penalties, and for a free person it is much more serious than any other punishment — for when one's freedom is lost, everything else is lost with it.